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RESEARCH STUDIES

of the

STATE COLLEGE OF WASHINGTON

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STATEMENT OF THE EDITOR

The editor acknowledges his indebtedness to Henry J. Meyer, H. Ashley Weeks, Carl F. Reuss, Paul H. Landis, and the Editorial Board of *Research Studies of the State College of Washington* for assistance in the planning and the editing of the *Proceedings*.

Factors in the situation under which this first volume had to be prepared presented many difficulties and prevented the carrying out of some of the procedure which we expect to follow in the future.

Carl E. Dent

RESEARCH STUDIES ~~of the~~ STATE COLLEGE OF WASHINGTON

VOLUME VIII

MARCH, 1940

NUMBER 1

THE ROLE OF INTELLIGENCE IN HUMAN AFFAIRS

GLENN E. HOOVER

Mills College

At the outset I should like to emphasize the very restricted role which intelligence plays in the life of the individual. Our bodies function and are kept alive by the automatic operations of their various organs. The efficiency of these organs is the marvel of the scientist, but in their functioning, intelligence plays no part. Intelligence may be an aid to life, but it is not essential to its continuance.

THE NATURE OF OUR ACCUMULATED KNOWLEDGE

The human brain would even now be a puny thing were it not able to draw upon the accumulated knowledge of the brains that have preceded it. Man is the only animal that can pass on to its progeny the knowledge which it accumulates by experience. Some of the blue-jays at which I have shot have lived, but none has "lived to tell the tale". Man, however, because he has learned to talk, and quite recently, to write, is continually adding to knowledge, which increases at an ever-faster pace.

We should keep in mind, however, the nature and limits of this accumulated knowledge. We have made progress in the control of all nature except human nature and human institutions. Man is increasingly the master of the physical universe. But in man's efforts to attain security and happiness, science, the crowning glory of intelligence, is essentially neutral. It makes for death as willingly as for life. Science gave the world the airplane, and the airplane has given the world the jitters. The growers of cotton, wheat, and corn, with all their scientific aides, are living off the bounty of a depleted federal treasury, and are about as insecure as the colonists at Jamestown, Virginia.

INTELLIGENCE AND THE CONTENT OF THE MIND

There is a tendency to exaggerate the achievements of intelligence because it is assumed that what we call the "contents of the mind"

are built up by intellectual processes. Schools are enjoined to teach such things as "good citizenship," Americanism, law observance, and respect for parents. Our Sunday Schools are given the even more difficult task of teaching the young that it is more blessed to give than to receive, that the meek shall inherit the earth, and the like. The language we use suggests that teaching such things is comparable to teaching that the earth rotates on its axis or that water is composed of hydrogen and oxygen. All these types of teaching may take place in a classroom—with the same teacher and pupil relationship and other incidental features which obscure their fundamental difference. Of the teaching described above, that with respect to the rotation of the earth and the chemical composition of water, should, I think, be called teaching, and the other activities, perhaps much more important, should be called indoctrination.

Teaching Americanism, for instance, if it is to achieve what its proponents desire, is in large part an appeal to sentiments, tradition, and a building-up of attitudes which is best accomplished by indirect and non-logical methods. Scientific truths can be taught by a direct appeal to intelligence, but any attempt to alter our attitudes, to change our prejudices, to improve our tastes or our morals, must, to be effective, take a devious route, which some can never follow.

Pareto, I think, in spite of his verbosity, his execrable literary style, and the mathematical and graphic apparatus which he employs, has put us all in his debt because of the wealth of material he collected to show how much of our attitudes and our conduct is made of non-rational elements. They are not only more important quantitatively than are those which result from the intellectual processes, but they are much more important in determining and explaining human conduct.

HOW FAR HAS INTELLIGENCE FAILED US?

There is, I think, increasing pessimism with respect to the adequacy of our intelligence and the scientific knowledge to which intelligence is constantly adding. It is pathetic to read of the shattered hopes that were inspired by the advance of science that attended the French Revolution. Godwin predicted that, following the destruction of the established church, feudal society, and the restraints of government, then crime, poverty, disease, and even death itself were to be dissolved in the bright rays of the sun of rationalism. That rationalist sun, though

quite adequate to light the fires of the French Revolution, has dismally failed, alas, to vindicate the optimism of William Godwin.

Notwithstanding the considerable advance of science since Godwin, it has not given us immortality, nor made sleep unnecessary, nor even increased the span of life, though it has increased the average length of it.

It is not my purpose here, however, to measure the accomplishments of science. Scientific men have done what they could and will do more. So, far from criticizing them, I hope to defend them from charges which I think are improperly brought against them. The natural scientists have never set themselves the task of creating or designing an environment in which men might be happy and secure. In so far as work has been done in this field, it has been done by a few of the so-called social scientists. It is probable that most of these reject the task of social planning as outside the scope of even the social sciences and have thus delivered planning into the unscientific hands of the visionary, the starry-eyed, and the lowest form of political life, the demagogue.

There is, I fear, some reason to believe that, in the future, appeals to our sentiments and passions will be more effective than in the past. I am thinking now of the increased urbanization, and improved means of communication which serve to transform rational individuals into irrational mobs. We must admit that, so far as motives are concerned, mobs may be actuated by the highest as well as the lowest, and apart from motive, may perform acts of virtue and heroism of which the individual is incapable. Gustav Le Bon wrote as follows:

The conclusion to be drawn from what precedes is, that the crowd is always intellectually inferior to the isolated individual, but that, from the point of view of feelings and of the acts these feelings provoke, the crowd may, according to circumstances, be better or worse than the individual. All depends on the nature of the suggestion to which the crowd is exposed . . . Were peoples only to be credited with great actions performed in cold blood, the annals of the world would register but few of them.¹

But though the action of mobs and crowds may be beneficent, as well as evil, I believe that, on balance, their record is a bad one and their growth is to be deplored. Unfortunately, modern means of communication, particularly the radio, has made it possible to appeal to ever-larger crowds, until, as shown in recent German history, an entire

¹ Gustav Le Bon, *The Crowd* (London, 1903), Chap. 1, p. 37.

nation may be reduced to the level of a mob by the eloquence of an impassioned leader. Even in our own country, astute politicians are impressed with the advisability of selecting candidates who have the required radio technique. As one who fears all eloquence, I believe the radio offers an opportunity to demagogues that ought not to be underestimated. I wholeheartedly agree with Bertrand Russell, that "to acquire immunity to eloquence is of the utmost importance to the citizens of a democracy."^a

THE NEED FOR AGREEMENT ON OBJECTIVES

I have said that intelligence cannot be called into play in any social program except as society is agreed on the ends which it seeks to attain. I am convinced that such progress as we can make toward agreement will be much more helpful than any increase in our intellectual powers. I shall, therefore, suggest two aims, on which I believe substantial agreement might be reached. These suggested goals are freedom and economic abundance.

By suggesting freedom as a goal, I mean that human beings everywhere chafe at restriction and regulation. They may accept a curtailment of their liberties if they believe such acceptance is necessary to obtain certain desired ends. But in general, when anyone, even the state, attempts to order us about, we are tempted to respond in the manner recommended by Bernard Shaw, that is, "with an insult or a blow" and frequently both. Personally I have always felt that this tendency to rebel was one of the most hopeful responses with which mankind is endowed.

It seems equally true that men everywhere want to enjoy a maximum of goods and services, with a minimum of unpleasant effort. Fashions do not change with respect to what economists call the "disutility" of labor. More goods with less work is a social objective, concerning which there is sufficient agreement so that society can go ahead and apply to the task what intelligence it can muster.

If, however, we are to apply intelligence to the tasks of securing liberty and economic abundance, we must consider the conditions under which social intelligence may become effective. Roughly, I would say that all attempts to make intelligence play a larger part in our social programs fall into two classes. Some believe this can be done by giving to all our citizens adequate training in all the problems with which

^a *Power* (New York, 1938), p. 300.

society is confronted, so that each man and woman will have an equal part in devising solutions for these problems. This formula is accepted almost as an article of faith by certain misguided friends of democracy, who, I fear, are giving it the kiss of death by attempting to defend it on the unscientific dogma of intellectual equality. These friends believe they are working for democracy, but they are merely adding to its mythology and contributing to its ultimate discredit.

In the other class are those who believe that the knowledge necessary to the solution of social problems cannot be effectively popularized. They insist that unless there can be built up an intellectual leadership which will command the confidence and respect of the general public, then indeed is the future dark. Lest at this point I be accused of defending the philosophical basis of Fascism, I must hasten to point out that this judgment is completely in accord with that of August Comte, commonly known as the founder of Sociology, and with that of John Stuart Mill, perhaps the greatest name among the economists of the Nineteenth Century. Mill said: "It is, without doubt, the necessary condition of mankind to receive most of their opinions on the authority of those who have specially studied the matters to which they relate. The wisest can act on no other rule on subjects with which they are not themselves thoroughly conversant."³

If Mill is correct in saying that even the wisest, when confronted with a problem, must accept the opinions of those who have specially studied it, it would seem to be the duty of social scientists to make easily available such wisdom as they can collectively muster, on topics that are of general concern. I am not proposing any intellectual regimentation, no suppression of heresy, nor even the advisability of agreement in all cases. I am only suggesting that, whenever such a major problem is before our citizens, the scholars in the field of the social sciences should make available their findings and recommendations, indicating what difference of opinion there may be among them.

I do not believe we are meeting our social responsibilities unless we create a permanent agency for this purpose. If a citizen wishes to know how the majority of scholars stand on a given social issue, there is little advantage in telling him to read the books and articles in the field. He cannot always know which of the writers are competent and disinterested. Their writings are not always available, nor has the citi-

³ John Stuart Mill, *August Comte and Positivism* (London: George Routledge & Sons), p. 97.

zen the time to distil from them any concensus of opinion. Not every citizen may wish to be guided by such opinion, but he at least should be able to learn what it is.

There are so many economists here tonight that I shall feel free to support my position by quoting from an authority in that field. Dr. Alvin Johnson, in his presidential address delivered to the American Economic Association in 1936, said: "The economist has not been active enough, responsible enough, well enough organized to bring forward his findings on emergency situations before the moment for action has gone by . . . Therefore, politics, which must act when the crisis presses, acts for the most part, without benefit of the services of the economists . . .

Collectively the economists of today represent an incomparably greater mass of trained thinking power than those of an earlier world. The public holds them responsible, collectively, for applying this power promptly to the issues of our time. But we are not organized to carry a collective responsibility . . . The time has come when the economists need to organize themselves effectively to do the work which society may reasonably require of them."⁴

INTELLIGENCE AND DEMOCRATIC GOVERNMENT

As the functions of government expand it is of increasing importance that governments act in accordance with the best intelligence that is available. That means that our higher offices, both elective and appointive, must be filled with men of intelligence. To contend that high intelligence in our officials is not necessary, because most of the policies of government are decided by the people at the polls, is, I believe, to indulge in political mysticism. Elections determine what candidates will get in office, but they give little indication of what the people want their candidates to do, and even less do elections determine what candidates will do, once they are elected.

For such a program, we must accept the voter, with such intellectual powers as he now displays, and, if the differential birth rate persists, we must look forward to a decline in the intellectual powers of our citizenry. We can do little to increase those powers, but we can do much to see that our electoral system does not over-tax them. There are many tasks for which the common sense of untutored men is amply adequate. Men are pretty safe judges of the intelligence and character

⁴Alvin Johnson, "The Economist in a World in Transition," the American Economic Association Presidential address, 1936, *American Economic Review*, XXVII, No. 1, p. 2.

of those with whom they have worked, played, and lived as neighbors. They may be led astray by strangers with demagogic appeals, presented through the press or radio, but propaganda will not cause them to alter their opinion of a man they personally know.

Whenever, then, we create an electoral district small enough that voters can choose between candidates with whom they are personally acquainted, they will perform reasonably well. Those elected will by and large, be above the average in intellect, character, and public spirit. The selection of utter frauds will be infrequent and never fatal. But when the people of a populous state are asked to elect a governor or any other state officer, they frequently prove the easy victims of press, radio, campaign funds, and all the clap-trap and corruption for which our political life is famous. In this field, intelligence plays a minor role, because the system is itself an unintelligent one. The results are frequently deplorable and when they are not they but illustrate the adage that we have far better government than we deserve.

We now have single states and at least one city with a population in excess of that of the Thirteen Colonies at the time of the Revolution. Moreover, these electoral districts have a far larger number of voters, for, in the colonies, suffrage was narrowly restricted. It is still good form, I believe, to refer to the wisdom of the Founding Fathers. For their political wisdom I happen to have a profound respect. We know the system they devised for the election of a chief executive for the nation. It was a system of indirect choice, and I venture to suggest that every modification we have made in their original plan for selecting a president has made the plan worse instead of better.

In conclusion, I should like to stress the point that, if intelligence is to play a greater role in the future than in the past, it will be through the selection of more intelligent governmental leaders. I have tried to show that can be done only through a system of indirect choice, except in the smaller electoral districts. The popular election of a president or a governor, in our larger states at least, imposes on the electorate a task which they cannot fill with intelligence. At any time it may lead, as it led in Louisiana, to the selection of a false Messiah who will be able to make mockery of our democratic institutions and substitute for it the *Fuhrer Prinsip*. When all our hope for the application of intelligence to public affairs rests on our faith in the wisdom of a single leader, then, whatever our political forms, the totalitarian state has arrived. For the intelligence of the best minds we have substituted the will of one. On that day, both Intelligence and Democracy can be laid in a common grave.

THE RADIO AS A SOCIAL INSTITUTION¹

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After a review of the history, growth, use, and invasion of the radio into big business, the question is raised as to whether the radio is a social institution. Although the radio does not exhibit all the characteristics of an institution as defined by the sociologists, yet the broadcasting concerns have assumed the proportions of institutions, with organizations and equipment and with a fairly clear conception of functions. The radio offers opportunities for social research, but social scientists have not taken advantage of these opportunities. Of the studies which have been made, most have been by engineers, technicians, businessmen, entrepreneurs, advertisers, educators, and psychologists for some immediate and practical objective.

A review of the types of studies made thus far should indicate to the social scientist the areas of study open to him. Historical studies have been made of inventions and patents, stages of development, economics of growth, use in education, and radio regulation and control, especially by the Federal Government. Some of these subjects have been studied from other than the historical approach, but many phases yet remain to be explored. Research in the social effects of the radio has been materially aided by the study of listening groups by means of (1) mail responses, (2) questionnaires, (3) personal contacts (direct field work), (4) impersonal contacts (telephone calls, etc.), (5) sales responses, and (6) special methods (attendance at stations, political elections, etc.). Most of these methods involve difficulties which are familiar to all who have tried to use them in other fields of research. The social effects of radio as an invention, as a factor in social control, or in the processes of social change have not been seriously studied, although there are many expressions of opinion about them. Knowledge of the radio as a social institution is limited. More research is needed in this most fertile field.

¹ Abstract. The paper is to appear in full in a forthcoming issue of *Sociology and Social Research*.

POLITICAL BEHAVIOR OF THE AMERICAN-BORN JAPANESE

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In the process of Japanese settlement in America, various developments make possible the marking off of at least three important periods: the frontier period, the family building period, and the period of the second generation.¹

In the frontier period the native-born Americans were only mildly concerned about the future role of this minority group, but when in 1908 the women started coming in greater numbers, concern and agitation about their unusually high fertility rate and its consequences increased considerably.² In the conflict extending throughout the first two stages of settlement—from about 1900 to 1924—three legal disabilities developed in the Pacific Coast states—two of which were national in origin and jurisdiction. The alien Japanese were unable to own land; they were unable to become citizens; and finally they were unable to immigrate.

The first period of immigration contained mostly those people who were adventurers or "birds of passage." Some immigrants, however, saw excellent economic opportunities on the Pacific Coast. It was they who postponed their return to Japan and became engaged in the process of helping to build up the economic structure of the expanding West. There were others who were gradually ensnared in the economic circumstances which emerge from the contingencies of immigrant life and could not return home. Thus the economic interests of the immigrants came to be of significant proportions. It was against these economic interests that the anti-alien land laws were directed. Although some fifty Japanese had become naturalized citizens prior to 1916, it

¹For a more detailed analysis of these periods see Shotaro F. Miyamoto, *Social Solidarity among the Japanese in Seattle* (Seattle: University of Washington Press, 1939); also Forrest E. LaViolette, "Problems and Adjustments of the American-born Japanese", unpublished Ph. D. dissertation, in preparation, Dept. of Sociology, University of Chicago, 1939, pp. 22-49.

²The U. S. Census for 1930 reports the number of foreign-born Japanese women. Calculations show that in 1900 this group represented 3.63 per cent of the total Japanese population; by 1910 this had increased to 10.2 per cent and by 1920 to 21.66 per cent; in 1930 it represented 34.88 per cent. This is a little better measure for foreign-born women as the sex ratio reported in the Census includes the native-born women, although it should not be overlooked that some of these native-born have become wives of foreign-born men.

was assumed implicitly by many that they would eventually be declared ineligible for naturalization. Such a decision was handed down in 1922 by the U. S. Supreme Court.^a Economic activities and rights of citizenship became increasingly important for the Japanese, for many wished to make America their permanent home, perhaps returning to Japan only for final retirement.

To these legal disabilities of land-holding and citizenship, various adjustments were possible. One could return to Japan, and some did so; a farmer might go to the city and seek an opening in a small shop, or a city-dweller might change from a shop-owner to merely a tenant operator; or non-citizens could seek legal devices for offsetting the effects of these laws. It is in this latter adjustment that the American-born Japanese became important and acquired a role with two well-defined aspects.

First, some of the second generation had reached their majority at the time the land laws were made effective. This small group of Japanese-American citizens possessed constitutional rights which were likely to be upheld in any test case. Therefore they not only could hold property of their own but also might formally hold property which actually belonged to Japanese aliens. In a closely integrated community with informal controls functioning effectively, there was little risk that a person holding property in such a manner would use it for his own gain. One finds, then, that some of the older generation were important agents for making adjustments to legal disabilities imposed upon immigrants.

Second, it was legally possible for a parent to set up a trusteeship for his children and in this manner accumulate economic assets in the form of land or property. Such a mode of adjustment involved additional costs, but it did provide an important means for overcoming personal and community problems developing from the discriminating land laws.

These two adjustments are most important for our problem. Their success is dependent upon the working out of formal constitutional rights of American citizens. But by 1922, the year in which the final and negative decision on citizenship was given, it was becoming more evident to the parental generation that even these formal rights were

^a See *Documental History of Law Cases Affecting Japanese in the United States, 1916-1924*, in two volumes, compiled by the Consulate General of Japan, San Francisco, January, 1925, Chapter I, "Ozawa Case"

not secure. One form of discrimination, which was spreading to the second generation, was the refusal to issue licenses to those who were not registered voters. To avoid this possibility, potential voters were encouraged to register. This development stimulated some of the immigrant leaders to start the citizenship movement. There are other factors in the origin of this movement, but this immigrant-generation factor should be emphasized, inasmuch as it is an impetus to political behavior which represents a means by which the first generation attempted to make more secure the foothold which it had gained in this country. This protection of first-generation interests is also a basic rationalization given by the second generation for the necessity of voting.

This leads directly to a consideration of some facts in the political behavior of the *nisei*, the American-born and -reared children of Japanese immigrants. From various sources, interested people have estimated the registration of the *nisei*. One paper maintains that about one-half are registered and that among the American-born who have been educated in Japan, known as the *kibei nikkei*, a smaller proportion are registered.⁴ A Japanese daily of San Francisco, the *New World Sun*, reports that of 800 eligible in San Francisco, only 244 (30.5 per cent) are registered. The Japanese-American Citizens' League reports through the *Rafu Shimpō* that about "five thousand are registered with only a few slackers."⁵ It was also believed that in the 44th, 52nd, and 63rd State Assembly districts of California, nine thousand are eligible to vote, and, with an increase of about two thousand per year, the Japanese will have a balance of power in those districts.⁶

In order to ascertain more accurately how the American-Japanese are responding to their franchise, it is necessary to have an exact count of those registered and a population base for the political districts in which the count is made. Because the Japanese Association had taken a census of the Japanese in Seattle for 1935, the number of people over twenty-one years of age could be estimated for the years for which a count of voters could be made. Hence in the city of Seattle the poll books for each precinct were examined and all Japanese registrants recorded. From these data it was calculated that in four different elections, the percentage of registration of potential registrations was 25.2, 21.9, 31.2, and 36.2, successively.

⁴ *Rafu Shimpō*, Nov 1, 1936, a daily published in Los Angeles.

⁵ August 23, 1936.

⁶ *New World Sun*, August 25, 1936.

There are no figures by which one can determine whether about thirty per cent represents a relatively high or low percentage.⁷ The hypothesis here is that such a figure is low, it being so because of psychogenetic,⁸ social, and economic factors. Some check on this is possible, for calculations from records show that in the Hawaiian Islands in 1930, 53.7 per cent of the potential voters were registered. For Seattle as a whole, figures from the 1930 census and from the chief registration clerk show that 48.1 per cent were registered—this including, of course, those people who are over twenty-one years of age but who are not bona fide residents or who are not naturalized.⁹

A second outstanding fact about the voting and political behavior of the *nisei* is that no *nisei*-bloc has been formed, and it is very unlikely that one ever will be formed. Lind has shown that this is also true of Hawaii.¹⁰ The fact that no bloc is formed appears to be due to competition in some Japanese situations, a traditional trait which the *nisei* have taken over from the first generation.

A third fact which characterizes the political behavior of this group is their conservative political attitudes. This is one aspect of a general conservatism characteristic of their social attitudes.

These three basic facts are in need of further interpretation; that is, why is there such a relatively low percentage of registrations, why is there no *nisei*-bloc, and why are they conservative? In order of their development within a life-career, we may discuss briefly the psychogenetic, the social, and the economic factors which are assumed to be the determinants in the *nisei* political behavior.

The individuals who now make up the potential voting and registered group of the American-born Japanese were born into authoritarian families which were relatively unchanged from the traditional Japanese family of 1900. That type of organization appears to have

⁷W. C. Smith, *Americans in Process* (Ann Arbor, Michigan: Edwards Publishing Company, 1937), refers to voting but does not analyze registration in detail. See pp. 122-23.

⁸For a statement of psychogenetic factors, see Ernest W. Burgess and Leonard I. Cottrell, Jr., *Predicting Success or Failure in Marriage*, Chap. VII (New York: Prentice-Hall, Inc., 1939). "The psychogenetic personality is formed chiefly in familial interaction" (p. 91).

⁹The Census for 1930, *Population*, Vol. III, Part 2, Table 15, p. 1229, and Part 1, p. 67, gives more detailed figures on citizenship in Seattle. Not all of the groups in the total, however, can be excluded, so as to refine the calculations as much as possible; hence the rough figure has been used. Refinement would increase the difference between the two groups.

¹⁰"Hawaii at the Polls," *Asia*, XXXVI (Oct., 1936), pp. 642-45

produced a personality organized around the avoidance of embarrassing situations, not being too forward or *otonashii*, as the Japanese say, a highly developed sensitivity to social status and social proprieties, a fundamental dependence upon the family unit, and finally a strong emphasis upon conformance to ways of behavior which are defined in general as superior to other ways.¹¹ Together with the social norms, this produced an individual who, when compared with Americans, appears to have an unusual range of inhibitions and who struggles intensively for maintenance of status and prestige.

Statistically, it may be demonstrated that the major portion of the American-born Japanese are reared either in or near a Japanese community. Thus the first six years of life are likely to be years of almost complete submergence within Japanese affairs. Japanese community life is so organized that the training of the family is reinforced by community activities. This segregation reinforces partial Japanese identifications, for it is in community activities that the American-born learn early that they are first Japanese and secondly Americans. Our usual notion of this is that it is from the white Americans that they first find themselves to be Japanese, but this may be doubted seriously, for it is their own parents, family friends, and other members of the community who look upon them as "problem children." They are not "good Japanese," because they cannot act like Japanese in strictly Japanese situations. It is thus within home and community life that we find the beginnings of a split-orientation, this being a development conducive to instability, disorganization, indifference, withdrawal, and so forth.

As the life-career of a *nisei* proceeds, the social significance of this split-orientation emerges gradually. There are the parental exhortations to be moral, to be reserved (*otonashii*), to be serious-minded (*majime*), or briefly, to conform closely to the Japanese norms of conduct. Because the Japanese and the American communities are not isolated completely from each other, such training cannot be followed up consistently. An adjustment to such urgings by parents is apparently the one of developing such defences as indifference, apathy, withdrawing,

¹¹ For a detailed working out of this analysis, see Miyamoto, *op cit.*, and the writer, *op cit.*, especially Chapter IV, Sec F, "Training the Nisei," pp. 181-249. This was also discussed in an unpublished paper, "Personality Development of the American-born Japanese," read before the May, 1939, meeting of the Northwest Division of the Pacific Sociological Society, at Agate Beach, Oregon.

paying no attention. This dual-community relationship contributes to the split-orientation.¹³

In addition to psychogenetic and community factors developing rather widespread attitudes of indifference, the third significant factor is the economic one. As an individual reaches the age of puberty, the process of becoming segregated from the white Americans is much more explicit. As one matures and looks forward to choosing or trying to secure some work, the realities of "being a Japanese" are again made explicit. The limits within which an American-born Japanese lives are set-up not only by the white Americans but also by Japanese from Japan, such as the persons associated with the large banking corporations or even by their own parents, who might insist upon their children following the traditional way of fitting into family life and its economics.

In America, economic interests and political activity are closely associated, but perhaps more importantly the central orientation of Americans is towards economic affairs. As the Lynds express it, more and more American activities and values are "strained through" the bars of the dollar sign. Yet this provides only a limited incentive for American-born Japanese because of the limited range of vocational choices. Their parents have attempted to educate many of them above the parental status, and so there is a discrepancy between their education and their economic potentialities. It is unlikely that many of them will be aggressive enough to break down the barriers or enter into new lines of business.

We may now return to our questions regarding the small proportion of registrations on the Pacific Coast, the absence of a *nisei*-bloc, and their political conservatism. First, although there are the interests of the first generation to protect, this is not an adequate incentive for political behavior. Japanese family and community life is not "alive" with American political problems. To be sure, there may be some discussion, but it is not a vital part of their discussions. There are some Republican or Democrat political clubs; these are the struggling beginnings of political consciousness and may later become more significant. So far as field work revealed, there is no patronage by which

¹³ Charles E. Merriam and Harold F. Gosnell, *Non-voting* (Chicago: University of Chicago Press, 1924), found that "general indifference was slightly more prevalent among the non-voters of foreign parentage than it was among the non-voters of native parentage" (p. 16).

political workers can get rewards for party work; the Coast does not yet have elective jobs for which they are eligible.¹⁸

Second, no *nisei*-bloc appears to be possible, for the Japanese cannot present a united front. Contrary to the beliefs of most white Americans, they are "notorious," as one *nisei* expressed it, for their inability to cooperate. Moreover, the competitive nature of political activities provides an opportunity for individuals to struggle for their own gains and prestige, thus expressing Japanese individualism.

Third, the political conservatism emerges not only from the tradition to conform but also from fears of aggression on the part of the whites if there should be too much deviation. They are fully aware that the American Constitution is the basic document which gives them the rights of citizenship, and they know it is to their fundamental interest to protect this document.

¹⁸ Field work also revealed only one actual case of discrimination at the polls, this being a case where a *nisei* overheard one white man ask if "they" were permitted to vote and, upon being answered "yes", remarked, "That's what is wrong with this country." Several *nisei* indicated they preferred to vote in a precinct where there were other Japanese. One male told how the white politicians called for his sister-in-law at work and rushed her to the polls so she could cast her vote. The general opinion seems to be that intimidation has not operated to keep them from the voting booths.

THE SOCIOLOGY OF WAR¹

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The sociology of war deals with those social processes and individual and group acts which disrupt and devastate the normal life of society. It concerns itself with the social implications of motives and acts of people, the comparative frequency of war and intervening periods, the proportions of national incomes expended for direct war purposes, and changes in the devastating power of the instruments of war. We must try to determine just how fundamental war is in the life of nations, and how it is related to its counterpart: peace.

What is there new in this war? First, there is the radio, which makes all the world a stage. All of the neutrals are in the grandstand watching the conflict in the arena below. The public is now acquainted with every major move as it occurs. More and more of the total picture of war is revealed. Second, in contrast to practice at the time of the World War, this seems to be an era of wars without declaration. The old rules no longer prevail among nations bent on war. Ultimata are sent after air fleets and tanks have crossed national borders. Third, airplanes and motorized units play a much larger role in this war than they did in 1914-18. The speed and the destructive power of these instruments have changed the whole pattern.

The sociology of war cannot neglect propaganda as an increasingly effective war instrument. How eagerly the belligerents seek favorable public opinion! Large staffs of trained personnel are set up with the expenditure of hundreds of millions of dollars.

¹ Abstract. The paper is to appear in full in a forthcoming issue of *Sociology and Social Research*.

THE POSITION OF THE JEWISH COMMUNITY IN THE ECONOMY OF DETROIT

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This paper tests two related hypotheses: first, that any minority population which forms its own community within a city in the United States will tend to assume a distinctive position within the economic structure of that city; second, that the particular economic position which such a population acquires will condition the internal structure of its own community and discipline the relationships between members of that community and other persons in the city. The Jewish population in the city of Detroit, Michigan, forms a community of its own.¹ Materials about this population can be applied, therefore, to these hypotheses.

The data used in the following analysis were obtained from a sample of 3,016 schedules of Jewish households, representing 8,998 persons fifteen years of age and over, identified as Jewish in the Michigan Census of Population and Unemployment of 1935.²

II

The economy of the Jewish community in Detroit rests upon the industrial and occupational activities of the working Jewish population, which in 1935 consisted of approximately 35,000 persons fifteen years of age and over who were gainfully employed, seeking work, or working in the family business without pay.³ Of this total working force, 85 per cent were employed, 15 per cent unemployed. Three per cent of the men and 10 per cent of the women were unpaid family workers.

If Jewish gainful workers are distributed by industrial classes, the percentage in the category *trade* is found to be much greater than that

¹ For a history of the Jewish population in Detroit and a demonstration that it forms a community, see Henry J. Meyer, *The Structure of the Jewish Community in the City of Detroit*, unpublished Ph.D. dissertation, University of Michigan, 1939.

² This census was a canvass of every fifth residence in the state, conducted as of January 14, 1935, by the Federal Emergency Relief Administration and the Michigan State Emergency Relief Administration. The sample of the Jewish population in Detroit was selected from the census schedules by names of the family and personal names of household members after preliminary experiments had indicated that this method was at least 90 per cent accurate. For a description and evaluation of this method, see *ibid*, pp. 11-16 and Appendix A.

³ For a detailed analysis of the industrial and occupational characteristics of the Jewish working population, see Henry J. Meyer, "The Economic Structure of the Jewish Community in Detroit," *Jewish Social Studies*, II (1940), 127-148.

in any other group. More than a half of all Jewish gainful workers are in this category, with 49 per cent of all Jewish workers in the sub-category *wholesale and retail trade*. Contrast these percentages with the 19 per cent of all Detroit workers who were in the category *trade*, and the 15 per cent of all Detroit workers in *wholesale and retail trade*.

On the other hand, not quite a quarter of the Jewish workers (23 per cent) were occupied in the *manufacturing and mechanical industries*, including 8 per cent in *automobile factories*—as contrasted to the 52 per cent of the Detroit workers engaged in *manufacturing and mechanical industries*, including 33 per cent in *automobile factories*.

It is clear, then, in respect to industrial activities that the economy of the Jewish community is based on trade, whereas that of the whole city is based on manufacturing. This is preliminary evidence of a distinct economic position of the Jewish community.

The position of Jewish workers within the Detroit economy is, of course, determined by the industrial role which their distribution by industries gives to them. The industrial distribution of all Detroit gainful workers may be taken as the norm for constructing an index of representation of Jewish workers. Such an index compares the Jewish distribution with that of the city as a whole and will show over- or under-representation in any category.⁴

Jewish workers are found to be significantly over-represented in the category *trade*. Here the index number is 280, whereas 100 is the expected ratio. Even more marked is the over-representation of Jewish workers in the category *wholesale and retail trade*. The index number in this case is 320. In *professional services*, Jewish workers are also over-represented (index number, 134). On the other hand, they are under-represented in *manufacturing and mechanical industries* (index number, 26), in *transportation and communication industries* (index number, 34), and in *public services* (index number, 30).

These broad industrial categories conceal particular concentrations in specific industries. Although Jews are under-represented in *manufacturing and mechanical industries* as a whole, for the *clothing industry* the index number is 467, and for the *building industries*, 141. Although over-represented in the general category *trade*, they are under-represented in *banking and brokerage* (index number, 75). The index

⁴ A critique of the comparison of a Jewish population with the general population of a community has been made by H. L. Lurie, "On the Use of the Term 'Non-Jewish' in Jewish Statistics," *Jewish Social Studies*, II (1940), 79-84.

number (84) for *domestic and personal-service industries* as a whole is fairly normal, but the index number for *laundries and cleaning and dyeing establishments* is 400.

Jews do not form a large-enough proportion of any industrial class to supply to Detroit all the services of that class. Even in *whole-sale and retail trade*, where the largest number of Jewish workers concentrate, the 14,000 Jews are only 19 per cent of all the workers. It is justifiable to say, however, that Jewish workers are part of an ethnic division of labor in Detroit, inasmuch as they perform special services out of proportion to their numbers.

It may be pointed out that the participation of the Jewish community in an ethnic division of labor in Detroit does not necessarily mean instability for Jewish economic life, any more than the concentration of Detroit workers in the automobile industry necessarily means instability for Detroit. Division of labor is a basis for stability as well as for instability. The apparent imbalance of the Jewish and the Detroit industrial distributions results from viewing each of them as distinct wholes, whereas in reality they are only parts. Jewish workers participate in a division of labor within Detroit, and Detroit workers—Jewish and non-Jewish—participate in a division of labor within the nation.

Two historical facts may illuminate the present industrial position of Jews in Detroit. In the first place, Jews have been traders since the Middle Ages, and it was well within the expectation and tolerance of residents of Detroit that the early Jewish settlers should enter trade. In the second place, Jews were never recruited as laborers for the automobile factories, as were Poles, Negroes, and Southern mountain whites.

The distribution of Jewish workers in occupations as well as in industries shows a distinct economic position for Jews in Detroit. Jewish workers in 1935 were concentrated in the white-collar group: 74 per cent of all Jewish gainful workers were professional men, proprietors, or clerical workers, and only 26 per cent were skilled, semi-skilled, or unskilled workers.⁸

An index similar to that used for industries may be constructed to show the occupational position of Jews in Detroit. The index

⁸ This occupational classification follows Alba M. Edwards, *A Social-Economic Grouping of the Gainful Workers of the United States, 1930*, Bureau of the Census, 1938.

number is 191 for the white-collar group as a whole, and 43 for the manual workers. Put another way, Jews are 11 per cent of the professional, proprietary, and clerical workers of Detroit, but only 2 per cent of the skilled, semi-skilled, and unskilled workers. The major over-representation is in the proprietary class, where the index number is 312; Jews are least represented as unskilled workers, where the index number is only 23.

Within these large social-economic groupings Jews concentrate in specific occupations. In the professional class, 60 per cent of the male Jewish workers are lawyers, physicians, or dentists. In the class of proprietors, they concentrate in retail trade, primarily food and clothing stores. Of the Jewish clerical workers, 63 per cent of the men and 45 per cent of the women are clerks in stores or salespersons. Of the skilled workers, 28 per cent are in the building trades, and 20 per cent are tailors.

The most accurate representation of the position of Jewish workers in the Detroit economy may be obtained by taking into account both the industrial and the occupational distributions. An index of representation which gives proper weight to both these distributions shows that the characteristic position of the Jewish worker is that of proprietor of a retail trade establishment. The next most characteristic position is that of clerical worker in trade. The index number for proprietors in wholesale and retail trade is 467; and for clerical workers in trade, it is 313.

The position of Jewish workers in the economy of Detroit is clear. In an occupational structure dominated by the manufacture of automobiles and by other heavy industries, Jewish workers are characteristically engaged in trade, either as proprietors or as clerical workers. Thus within the larger economy of Detroit the Jewish community has its own economic position.

III.

The second hypothesis—that the distinct position of Jews in the economy of Detroit conditions the internal life of the Jewish community and disciplines the relationships between Jews and non-Jews—will now be considered. Only the effects of economic segregation upon the class structure of the Jewish community and upon the potential competition between Jews and non-Jews will be discussed.

Occupationally and in terms of economic criteria, four classes in the Jewish community may be distinguished: the professional class, the business class, the clerical class, and the wage-earning class. Class may be defined as a stratum of the community which is relatively homogeneous in terms of economic criteria—such as income and occupation—and also in terms of social criteria—such as prestige and status. It will be recalled that well over half of the Jewish workers are proprietors or independent business men. This position may be considered the class base of the Jewish community, because all other classes are defined with reference to it.

In terms of this class base, only the professional occupational class may be considered superior in rank to the business group. Parents urge their children to seek higher positions in the professions. In part this may be because professions are better paid than other occupations: the median income of Jewish professional workers for the year 1934 was \$1,788 as compared with \$1,139 for all Jewish workers. The occupational class climb is for the most part from proprietorship to profession. This shift takes place mainly through the succession of generations, because of the time and resources necessary for professional training.

The clerical class stands in quite a different relationship to the business class. Jewish clerks are closely identified with trade. They therefore stand at the bottom, as it were, of the business classes, inasmuch as they are not proprietors but employees. They are definitely below proprietors in status, as well as in security and income. For example, the median 1934 income of Jewish proprietors was \$1,613, whereas that of Jewish clerical workers was \$1,007.

The clerical class represents for the young Jewish worker the first step in a career which may end in proprietorship. The age distribution of clerical workers shows them to be comparatively young, and this is an indication that this occupation is one from which a worker is likely to rise. The orientation of the clerical workers is, then, towards the business class.

The wage-earning class presents a different picture. Skilled workers who operate small independent businesses of their own are comparable to proprietors, and, strictly speaking, should not be considered members of the wage-earning class. Some types of wage jobs—such as apprenticeship—may eventuate in such independent skilled trades. But this is not the case with the factory workers,

who are the typical members of the wage-earning class. These as a group are oriented less toward the class structure of the Jewish community than toward the general industrial structure of Detroit. There is, however, a definable place for the Jewish wage-earner in the class evaluations of the Jewish community. His status in the community is very low because his chance to rise is limited.

The class structure of the Jewish community, then, is formed around the proprietary class. The over-shadowing importance of this class base leaves little room for advancement in occupational lines alone. With this limitation, the Jewish community relies on criteria other than occupation for making class distinctions. Wealth, for example, seems to be more important than occupation, because a person may be a junk peddler or the owner of a department store and still fall within the same occupational class. Income levels and their concomitant social groups tend to become exceedingly sensitive indexes of the class of a Jewish person.

There are other consequences of the unique economic position of the Jewish community, but this peculiar class structure is probably the most important—because it underlies the social organization of the community. Its influence can be seen in diverse social groupings and in the status distinctions which they express. Even religious institutions reflect class differences, and there are many instances of Jewish persons who change synagogue affiliations with increase in wealth. Of course, this does not imply that wealth is the only factor in the social organization of the Jewish community, but it does illustrate the profound influence of economic position upon the internal structure of the Jewish community.

What effect does the position of Jewish workers in the Detroit economy have upon the relationships of Jews and non-Jews? It is not possible to answer this question conclusively, inasmuch as not all the necessary facts are yet known; but on the basis of available data a few inferences and leads for future research may be presented.

The trade-proprietor position of Jewish workers is one of relative stability, but, more than that, it is one of relative independence. Traders are dependent upon a market rather than upon an industrial institution, as automobile workers are. Jewish businessmen, therefore, may be less subject to potential discriminations and more in a position of competitive equality than Jewish wage-earners.

Particularly in trade, Jews and non-Jews meet in a market where non-pecuniary factors are at a minimum: commercial goods are less likely to be identified with persons than are labor services. It may, therefore, be suggested that the peculiar economic position of the Jewish community tends to reduce competition between Jewish and non-Jewish workers.

The level of economic stability and income of the Jewish community is higher than that for Detroit as a whole. In 1934 the median income of Jewish workers was \$1,139 as compared with \$1,027 for all Detroit workers. The higher level of income for Jewish workers is directly related to their trade-proprietor position in the Detroit economy. The Jewish community as a whole may appear to be "better off" than the rest of the city. Further research may indicate to what extent this appearance is important in maintaining attitudes of Jews and non-Jews toward one another.

It should be pointed out that the high average-income level of Jewish workers as a whole does not apply to each occupational class. Jewish professional workers in 1934 earned \$1,788, as compared with \$1,648 for Detroit professional workers as a whole. But Jewish proprietors and Detroit proprietors as a whole received the same median income: \$1,613. For the other classes—clerical workers and skilled and unskilled workers—the median income of Jewish workers was *less* than that of all Detroit workers in these same classes. These comparative incomes at least suggest that where Jews and non-Jews come into institutional competition—as in factory work—the income of Jewish workers is lower than that of non-Jewish workers. This same result seems also to follow when Jewish workers compete with one another in the limited market for jobs as clerks and salesmen in Jewish stores.

For the Jewish person, the class structure of the Jewish community is normal, but just as familiar to him is the class structure of Detroit as a whole. Jewish persons participate therefore in *two* class structures: that of Detroit and that of the Jewish community. Residential settlement and mobility, economic status, and the hierarchy of social groups all reflect these two positions. It may be suggested as a lead for future research that this double structure is the most important factor underlying the relationships between Jews and non-Jews.

THE NATURE OF NEWS

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"Nobody can tell you what it is; you've got to have a nose for news," many an old-time newspaperman has told a youngster interested in the journalistic profession. If the number and the nature of definitions of news (ranging all the way from epigrams to formally adopted resolutions) are considered, it might be concluded that the question "What is news?" should evoke an answer similar to the freshman's definition of a vacuum, "I can't quite explain it, but I've got it right here in my head." Some typical definitions and descriptions will illustrate the types of qualities commonly emphasized as being essential for news.

Classic in any discussion is Dana's "If a dog bites a man that's not news; if a man bites a dog, that's news." Here the unusual and the bizarre are implied as characteristics of news. The departure from the normal established moral path is suggested in the homely "Sin is news and news is sin, and there ain't nawthin' interestin' in bein' good." A widespread interest and newness are requisites in the definition "News is anything which interests a large part of the community and which has never before been brought to their attention." The element of surprise is inherent in "News is anything that makes the reader say 'Gee Whiz!'"

On the professional side, the Kansas Editorial Association formally resolved in convention assembled that "News is an impartial report of the activities of mind, men and matter, which do not offend the moral sensibilities of the more enlightened people."² Correspondents of the United Press are told in the manual issued them: "A paradox that never changes is that there is nothing new under the sun, yet almost anything under the sun is news. Anything and everything interesting about life and materials in all their manifestations is news."

A definition bordering on the sociological assumes that "News is the report of whatever acts or events affect the general welfare or are so characteristic of life (though extraordinary) as to represent the possible experiences of all. The common routine of existence, the round of duty, pleasures common to all, do not constitute news—for

² Quoted in Nancy Barr Mavity, *The Modern Newspaper* (New York, 1930), p. 23.

faithfulness to duty and the general happiness are taken for granted as the normal rule of life. Only exceptional signs of progress or acts of benevolence or contributions to human happiness are worthy of record as news."³

Typical as these definitions and descriptions are, they all embody three common failures which cause the sociological nose to scent further for the fundamental social qualities of news. In the first place, they tend to conceive of news as a static phenomenon rather than as a process; in the second place, they tend to define news for the newspaper rather than news in general; and in the third place, they tend to overlook the implications of the plural form of the word.⁴

Fundamentally, news is the process by which man is brought into communication with the events taking place in his trans-perceptual environment.⁵ Communication is merely the simplest or primary aspect of the basic social process of interaction, which brings together persons with persons, and groups with groups. It may be by direct methods, such as facial expressions and gestures, perceived mainly through the physical senses of touch, sight, and hearing, and occasionally through smell or taste; or communication may be by indirect methods, such as the printed or written page, the telephone, the radio, the motion picture, and other media which are perceived almost solely through the senses of sight and hearing.

News falls mainly into the second category, being largely a medium of indirect communication. In an analysis of the concept, it must be recognized that news represents a social process in three essential steps. The first is an event or occurrence or change in the relationship among objects—something new—taking place in the trans-perceptual environment; the second is the transmission of the report by some means of communication; and the third is its receipt by a person with requisite attitudes and experiences that make the report of significance to him. Thus the three essentials in the news process are the news event, the transmission medium, and the news recipient.

Absence of any one of these phases forestalls the possibility of news as we know it. Obviously, if there are no events, occurrences, or

³ H. F. Harrington and T. T. Frankenberg, *Essentials in Journalism* (New York, 1912), p. 37.

⁴ See George F. Church, "The Socio-Psychological Nature of News," *Social Forces*, XVII (1938), 190.

⁵ Carrol D. Clark, *News, A Sociological Study*, "Abstracts of Theses", University of Chicago, Humanistic Series, Vol. IX, 1930-32, p. 241.

changes to report, there is no news. If there is an event (such as a meteor crashing into the midst of a trackless jungle) but there is no human being within sight or hearing to communicate the event, there equally is no news of the event. Yet, should there by some chance have been an individual within sight and sound of the crash who had access to communication facilities, the report of the event even then could not become news unless received by some other person. Furthermore, if the recipient had no attitudes or previous experiences enabling him to understand the nature of a meteor, the event could not truly be communicated to him, although the physical form of the report reached him. His lack of understanding would prevent the event from being communicated, and there would not truly be a news recipient.

News is at once the product of a complex society characterized by change and an element welding a number of spatially separated groups into one complex society. It deals with that which is new—a change in the environment. Because change is constantly occurring in a complex society and one new event follows upon another with great rapidity, reports of the new have come to be labelled under the plural form, news, and used as a collective noun. News is an evidence of social change. In a relatively stable society there is little different, little changing, little new from generation to generation—hence there is little news. In a transitional society made up of a number of different groups with varying interests, there is much that is new and changed—hence there is much news. The complex society produces news, but news helps to produce a complex transitional society. This is evident, since changes in the culture, in the mores and folkways of a group, come only through contact with an outside group, either directly, as in migration, or indirectly through communication, as in news. By serving as a means of communicating the events and activities occurring in widely scattered places, of different interest groups and of divergent cultures, news creates a consciousness of mutual acquaintance and of uniformity of information among the groups making up the complex society. In short, it extends the bounds of society to the limits of communication devices.

That which is new or changed in the environment requires adjustment on the part of the individuals or groups affected by it. No longer do the old regulations and knowledge embodied in custom and tradition suffice as guides to action. Some medium must be found for communicating the facts of the new in order that the persons and groups affected

by it may make their adjustments intelligently. This function of presenting the facts of the new in order to mediate adjustment to social change is the primary social function of news. Remember that the first newspapers were certain government-sponsored publications and business house organs published precisely for those groups to whom information on the new was immediately essential in order to make requisite adjustments in policy or practices.

The transmission phase of the news process is largely mechanical, the outlines of which are familiar to all. A witness to the event, a mechanical method of transmission, and a cultural medium of communication are necessary. The witness may be a trained journalist or an ordinary person; the mechanical method of transmission may be the telephone, telegraph, or radio for rapid transmission, or the postal service for less urgent dispatch. For the cultural medium of communication a common language is the prime essential. If the news is written or printed, there must be a literate recipient to read the report; if the news is spoken, it must be in the common every-day language.

This leads to a consideration of the third step in the news process, the recipient. As was mentioned above, the report must be expressed in a medium of communication he will understand. In addition, it must have qualities of timeliness, because customarily only the new and currently changed requires adjustment and consequently demands attention.

Furthermore, because only the significant requires adjustment, news reports should be of significance to the recipient. It should not be assumed that the same news report must be of significance to every person who, for example, receives a daily newspaper. Just as different individuals, because of different backgrounds in experience, have different interests, so the news reports which appeal to them as significant will differ. This is the reason the big metropolitan dailies departmentalize their content, the front page being filled with news of interest to the largest public, the inside pages featuring society activities, sports, stock market activities, and state news. This specialization results from the specialization of modern-day complex society and from the heterogeneity of the public for which the newspaper is published.

Above all, the news report must be of interest. Unless it is interesting, neither the timely nor the significant report will draw much of an audience, whereas an interesting report generally will attract a sizeable audience, whether or not it is significant and timely. What is neces-

sary to cause the report of an event to be of interest to the recipient? Primarily the individual must have backgrounds of experience and attitudes which enable him to perceive the nature of the event, to reconstruct the original event from the report reaching him, and to show him personally the significance of the event. The stronger and more vivid are his past experiences and present attitudes the greater will be his interest in the report. The individual who has no opinions on the question of the annexation of territory to a city will not be so much interested in the report of the decision of the electorate as he who has campaigned vigorously in its behalf.

Between the type of news which is of interest in a rural, primary group environment and in a metropolitan, secondary-group environment there is an important difference. In the rural community contacts are direct, personal, and frequent; in the metropolis they are characteristically indirect, impersonal, and occasional. Communication in the primary group generally is direct, in the metropolis indirect. The rural community is one of personal values where the topics of interest are people and the basic social institutions of the community; the metropolis is a world interested in heroes, the spectacular, fads, and the activities of special-interest groups. News of interest to the primary group, whether the rural community or the urban family or neighborhood, is news about the people constituting that primary group; news of interest to the members of a secondary-group society is news which first reincarnates some of the attitudes, habits, and intimacies of primary-group life through fixation upon heroes and then provides an escape from the humdrum reality of life.

News deals with the new, but paradoxically is expressed in terms of the old.⁶ To be fully communicated, experiences must be expressed in such a way that the recipient of the communication sees or recreates the original experiences just as the participant observed them. The journalist in preparing his report of the news events must adapt it to the "stereotypes" prevailing in the popular mind—that is, to the habitual and almost reflexive patterns of reaction to thought stimuli. Only by comparison with the old and familiar can the new be made intelligible. The man on the street has no frame of reference to enable him to comprehend, for example, the theories of Einstein. Therefore the report of Einstein's theories can not be communicated to him. So much attention is paid in the general news pages of the newspaper and other

⁶ Church, *op. cit.*, p. 193.

news media, as well as in most commercialized recreations, to the old, old themes—violence, sex, the struggle for a livelihood, the life cycle, personalities, and such items—because these are universal themes appealing to elemental human interests and desires and thus are comprehensible to all men. Even in the reports of more significant news dealing with governmental and other institutional and organizational activities prepared for relatively few recipients, with a special interest in the topic, the new must be expressed in terms of its antecedents, in terms of the old and familiar.

Frequently news is identified as that which is printed in the newspaper. To even the most uninitiated reader, however, it is obvious that much of the material appearing in the newspaper by no stretch of the imagination can be considered news. Furthermore, the radio has become a strong competitor of the newspaper in the field of news dissemination and no doubt will continue to gain an ever-stronger position in the field. Moreover, considerable information is legitimately regarded as news which is neither printed in the newspaper nor spoken over the newscast.

As implied in previous portions of this discussion, news may be transmitted through letters, circulars, the telephone, and almost any other agency of indirect communication as well as through direct communication of one individual with another. As it has been thought of here, however, it has been mainly a medium of indirect communication. Anything which is new or timely and which is of interest and of some significance may be regarded as news, regardless of how communicated. The fact that baby has its first tooth or is taking its first steps is new and of much interest to fond grandmother. The letter telling her of the new event contains news so far as she is concerned. Commercial news vendors cannot afford to take notice of the average run of these and other such homely items. Serving a secondary group society, they seize upon and exploit the case of some temporary hero or celebrity which is typical of an incident happening to the members of the many smaller primary groups making up the larger society. Witness the publicity given the various stages in the progress of the Dionne quintuplets or earlier in the life of the Lindbergh baby or customarily in the grandchildren of the President of the U. S. By dramatizing these and other such cases as typical, the newspapers and other news media take cognizance of the various important steps in the development of the children of the generation.

When recorded, news is a form of knowledge intermediate between history and science.¹ Whereas history seeks to state facts in the light of what went before and what came after and tends to minimize whatever data cannot be interpreted in that light, science generalizes and abstracts by the aid of comparison and strives to make things and events intelligible by seeking to show that what happened in a particular case is what always happens under such general circumstances. News is a form of knowledge in which both of these techniques are used. It does not seek to disguise the unique character of each event as science does, but at the same time in common with the scientific method it accepts the case as typical of many others happening daily. It leaves to the reader the task of uncovering further explanations and interpretations beyond those it has set forth.

News and history are alike in that each is the end product of an extensive process involving labor, study, investigation, and selection. History is written only after the historian has delved as far into the original sources as he can, investigated their authenticity, studied the implications of the data he has found, and selected those he regards as important and relevant to the problem in hand. A similar condition is true for the news report as we ordinarily think of it. Into it has gone the labor of the person originally "covering" the event, his questioning of all possible sources so as to convince himself of the validity of what he has seen and been told, his building the scattered facts into some sort of ordered sequence by his selection of only those statements he considers fit into the picture, and finally the actual writing of the report, either by himself or by a re-write man.

History represents a medium of communication through time—from one generation and one era to another. News is a medium of communication across space, making man aware of events in his trans-perceptual environment and bringing one person or group into contact with another at some remote point—in another part of the city, continent, or the world.

¹ This observation was suggested in a lecture at the University of Virginia by Dr. Floyd N House

THE MENNONITES OF YAMHILL COUNTY, OREGON

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For four hundred years the Mennonites have been searching for a place where they might live in peace. In this quest, two colonies have been established in Yamhill County, Oregon—one near Whiteson and the other at Sheridan. The colonists at Sheridan belong to the largest of the seventeen Mennonite bodies, known simply as Mennonites; the colonists near Whiteson belong to a smaller sect called Old Order Amish. The large majority in this group are farmers. A number of the men, however, are employed in the lumber industry, and several are engaged in business in Sheridan. They are hard-working, thrifty people and live simple lives.

Historical background. The Mennonites cannot be understood apart from their historical backgrounds. European heritages have persisted and have influenced their behavior through many generations.

According to the historian, a rift occurred between the Swiss reformer, Zwingli, and some of his followers in 1523. The dissenters held that infant baptism had no Scriptural basis and that there should be no union of church and state. They insisted that those who had been baptized as infants must be re-baptized upon their confession of faith. Hence they were called Anabaptists or "re-baptizers." Two years later these Swiss Anabaptists organized a church, and thus the first Mennonite congregation came into being. Immediately persecution began. Evidently thriving on such treatment, the group increased and spread beyond the confines of Zurich. In 1536 Menno Simons, who had renounced the Catholic priesthood, became one of the leaders and exerted such a great influence on the movement that his followers became known as Mennonites after 1550. The Anabaptists prospered, even though fierce persecution took a heavy toll of martyrs. During these dark days, many refugees settled in England. Many also accepted the invitation of William Penn to a land of freedom in Pennsylvania and settled at Germantown in 1683. Gradually they increased and spread westward into Ohio and beyond.

In 1632 the Dortrecht Confession of Faith was adopted and has, in the main, been followed up to the present. When opposition developed against certain provisions, particularly those with reference to

¹ The paper was read by W. C. Smith.

the "shunning" of excommunicated members, Jacob Ammann, an intolerant young bishop, insisted uncompromisingly on a strict and literal interpretation. On this issue the group divided into the Mennonite and Amish wings, and the schism has not yet been healed after the passage of 247 years.² The term "Amish" was applied to the followers of Ammann.

Socio-religious organization. The Mennonites are organized almost completely around their religious beliefs, and the church is the unifying agency in their group solidarity. An analysis of their communal organization, then, resolves itself primarily into an analysis of their socio-religious organization.

The whole group is integrated under the headship of the bishop, who is assisted by several preachers. The minister receives no salary; he must earn his livelihood in the same way as any other member. His parishioners, however, are expected to help with work on his farm to release him for necessary ministerial duties.

Despite the fact that the Sheridan group is comparatively small and the members come into contact with the ordinary life on every hand, very few, even of the young people, have broken away. The church deals severely with recalcitrants. Twice each year, before Easter and Christmas, the conduct of any member may be questioned, and he must be able to defend his actions, confess his errors, or withdraw from the church. On the following Sunday the sacrament of the Lord's Supper is observed, and all those who have proved themselves worthy may participate. The church pleads with the erring ones to amend their ways. If they refuse, removal from membership and its benefits is the outcome. The excommunication, however, is not irrevocable and may be rescinded whenever a repentant attitude becomes evident. Marriage with non-Mennonites is banned, and an offender is excluded unless his mate joins the church. A man at Sheridan, Oregon, married an outsider and suffered the inevitable consequence. After some time he wanted to be restored and offered to make a generous contribution to the lagging building fund, but all to no avail. His wife would not join the church and persisted in having a "good time" by doing unsanctioned things.

The church sanctions certain ways of living and admonishes all its members to live accordingly. Membership in non-Mennonite organiza-

² Melvin Gingerich, *The Mennonites in Iowa* (Iowa City, 1939), p. 31.

tions is forbidden. Secret societies, in particular, are on the black-list. They are considered undemocratic and unable to stand the Christian test of light and publicity. Participation in such associations would yoke one with unbelievers—and that must not be. A number of the Sheridan men work in the lumber industry, but membership in a labor union is not permitted. The Mennonite workers, however, pay the regular union dues. They recognize the contribution the unions have made and consider it would be unfair to receive the same wages and not pay dues.

The Mennonite church does not approve of commercial insurance. It has a Mennonite Aid Plan which pays fire losses and then assesses them to the churches to be paid by the members, usually on the basis of their county taxes. Within the past year the barn of an Amishman near Whiteson burned, and in a short time he received from the church headquarters a check covering three-fourths of the loss. When Mennonites borrow money on property, however, mortgage-holders require insurance on buildings. Under such circumstances, the members of the sect must usually yield—but not always.⁵

Life insurance has no place in the scheme of the Mennonites. It is unsafe, unwise, unscriptural. Care for the needy is the duty of relatives and the church. Moreover, insurance places a monetary value on human life which leads to murder and suicide. In justification of their position, they point to the fact that their members do not go to the poor-house, whereas many people belonging to churches which do not frown upon life insurance must go there.

Because governments are un-Christian, Mennonites may not participate in elections, or use the courts. To be sure, there is no need to use the courts, for no misconduct is ever a *crime* but a *sin* and as such is to be treated by the church and not by the courts. This policy seems to get results. The prosecuting attorney for the county states that they never cause any problems. They pay taxes without protest.

In some places Mennonites will not sign notes, but their word is accepted. The Amish of Whiteson may sign notes or contracts, but they do not want any member to obligate himself for more than he can manage—that would reflect on the integrity of the group.

The church enjoins simplicity and modesty in dress. The Mennonite women dress much like other women, except more plainly and in more drab colors. Amish women, however, differ considerably, wearing plain, long dresses, usually of a dark blue, and plain black bonnets. In

⁵ Cf. *ibid.*, p. 224.

the church services both Mennonite and Amish women wear the "devotional head covering," a small white net cap, much like the one worn by "Mother" in Whistler's painting. The cap is also used during grace at meals and in family devotions. The men at Sheridan do not wear any distinctive clothes but omit neckties. The Amishmen at Whiteson tend to follow patterns of dress common in the days of Menno Simons. They retain the hooks and eyes and are, consequently, called "Hook and Eye Dutch." Some of the men buy ordinary denim jackets at the stores, and their women-folk remove the buttons and sew on hooks and eyes. Their home-made trousers are fastened on the sides like those of sailors. They wear plain black felt hats with wide brims and uncrushed crowns. In the Sheridan group the older men wear the black hats, but the younger ones have adopted the current styles. Ministers wear plain coats with straight collars and without lapels. Some few of the younger men also dress in like manner.

The older Amishmen wear full beards but no mustaches. The beard must be worn because God gave it, but the mustache is cut off because it is unsanitary. The real reason, however, is buried in the remote past. In the early days of the movement in Europe the mustache was the badge of a soldier, and the Mennonite opposition to war resulted in shaving the upper lip.⁴ The Amish do not shingle their hair but cut it off squarely. The Mennonites of Sheridan shave smoothly and cut their hair according to current styles.

The Amish taboo the automobile, because it is often put to bad uses. The Mennonites of Sheridan, however, use automobiles and chide the Amish, because the latter accept rides from others and even hire automobiles at times. The Amish do not object to tractors but are not using them at Whiteson, probably because of the smallness of their farms. The Sheridan group approves the tractor. The Amish church taboos the telephone as a luxury, but some circumvent the taboo by using telephones of non-Amish neighbors. The Mennonites have telephones. The Amish do not consider the possession of a radio as wrong or necessarily sinful, but it is not a necessity and may even be harmful. Some of the Mennonites strongly oppose the radio, but several have receiving sets. Electric lights are accepted by both groups. Many of the young people are opposed to moving picture shows and the theatre. Some parents even forbid their children to participate in school programs. The church

⁴ Cf. *ibid.*, p. 251.

has not pronounced against baseball, and there is no unanimity of opinion on that. Some of the older folks disapprove, on the ground that it is a worldly game and, therefore, detrimental to spiritual life; but, in general, the young people approve the game. The majority of Sheridan families take newspapers, principally the Portland dailies; few of them, however, take a Sunday paper. The Amish send their children to the public schools until the grades are completed, but they do not favor anything beyond that. The Mennonites are more liberal, and a number have attended and are now attending high school.

Conclusions. It seems that the Mennonite churches place the stamp of disapproval on utilities and practices which tend to endanger the solidarity of the group. The automobile is interdicted because it makes possible dangerous contacts on the part of young people; the tractor does not aid and abet parties far from watchful parental eyes. The telephone is an instrumentality that facilitates contacts; the electric light does not make such contacts and has been lifted from the luxury class to that of a valuable utility. The moving picture is undesirable, inasmuch as it suggests ideas which are at variance with many of their fundamental beliefs; baseball is less dangerous to their doctrines and is admitted more freely. The newspaper brings new ideas from a variety of sources, yet is quite generally accepted. Can it be that a process of rationalization helps them justify their practice on this matter? A considerable number of them subscribe to the newspapers that they may follow news events "as they are related to Biblical prophecy." If they can find Biblical justification for any course of action, they are on safe ground. Higher education is opposed, because it evidently places an unduly high strain on group solidarity.

After making some contacts with the Mennonites, and particularly with the Amish wing, the writers were intrigued by this question: How can they hold out as they do and remain a peculiar people after some two hundred years in America? There may be several theories, but the complete answer is not as yet available. The Mennonites show that persecution through several centuries, undoubtedly, has developed a group solidarity. This treatment has emphasized their beliefs, which thereby were made to seem all the more important and precious. The Amish, in particular, consider themselves to be unique and peculiar—a chosen people. They believe it to be their mission to preserve the vital faith for which their forefathers in Europe suffered through two

centuries.⁸ Why, then, they ask, should they ape the manners and customs of the unregenerate men by whom they are surrounded? Should they yield, they would be "conforming to the world." Because of their belief that the Bible was the only rule of faith, they considered it wrong to take oaths, to participate in governmental affairs, or to bear arms. These beliefs brought them into conflict with various governments. Both Protestants and Catholics have considered them dangerous to society and have persecuted them with diligence. It is evident that a group which varies from popular notions is in danger, particularly when it questions a patriotism that glorifies saber-rattling.

Since their faith has come to be so important, they have sought to safeguard it by isolation from the general population. This is done not because of any hatred for the rest of humanity but because they consider this the best way to preserve their own faith and protect themselves against persecution. In the main, they have preferred to live in compact colonies rather than to move to frontiers where there would be greater assurance of economic success.

Someone has called the Amish the "old order that changeth not." But changes are taking place even in this group. The Amish at Whiteson speak Pennsylvania Dutch in their homes, but at the same time they speak English without any tell-tale accent. The Old Order Amish in Iowa do not permit rubber tires on buggies, and they do not permit wagons to be made from discarded automobiles.⁹ Whiteson Amish have wagons with pneumatic tires built from old cars. The younger generation is shifting slowly away from the law and the prophets, and sometimes it may be a change unnoticed by the elders. An Amish preacher said his sect was holding the young people in the church because the girls who work in nearby cities return home on week-ends for the church services. One of these girls attends picture shows and goes to skating parties. She wears the plain cotton dress (without buttons) for housework and when she goes home on Sundays. But when she goes out with young men or girl friends in the city she wears silk print dresses in current style. The drab-colored dress that goes to church on Sunday may be the same dress as of old, but the girl who wears it has changed. Changes are inevitable and particularly is this true in small groups like those in Yamhill County.

⁸ Cf. *ibid.*, p. 173.

⁹ Cf. *ibid.*, p. 259.

THE TEACHING OF SOCIOLOGY IN THE SECONDARY SCHOOLS

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The subject of this paper has been announced as "the teaching of sociology in the secondary schools." Let us make one assumption upon which to base our thinking: in a democratic society there is a fundamental responsibility for social scientists, first, to uncover by research a body of scientific knowledge about society and, second, to diffuse and disseminate this scientific knowledge among the people. One effective medium of diffusion is the public school system. Sociologists have developed a large body of data which are a contribution to human knowledge and of significant value to the democratic society of which we are a part. A basic task, for which we are responsible, is to organize this material for use in educating youth and to see that youth are educated with it.

Assuming this statement to be true, we might ask four questions: (1) To what extent is sociology being taught in the secondary schools? (2) How many of the teachers who teach sociology have studied it in organized fashion, and how many are teaching it without knowing much about the subject? (3) To what extent is the sociology being taught by public school teachers fulfilling the above-mentioned fundamental responsibility? (4) How may we sociologists implement our democratic convictions with a specific and immediate program? Two things should be remembered: first, that the dissemination of sociological knowledge among the people will make society better able to meet its many problems, and, second, that sociologists have a vested interest in the expansion and qualitative development of sociological study by public school youth, for in that process shall we find need for expanded facilities, larger staffs, and broader instructional programs.

Before we begin answering these four questions, it should be pointed out that history dominates the high school curriculum. A very small percentage of the students come in contact with other social sciences, such as economics, psychology, political science, and sociology. So when we are studying this problem and striving to make our voice heard in the interest of an adequate social education for the youth of our land, we might well join forces with the economists, the political scientists, and the psychologists. If we concern ourselves with the problem of adequate social education for the public school youth, we must get education administrators and those with vested interests in

other subjects to realize that there are significant weaknesses in the present social educational structure, and that the development of an adequate social educational program is perhaps the most important problem of education today. We must expect also opposition to modern social science by those who fear its social implications, and we must cope with that opposition.

The data presented here came largely from a sample of 107 out of the 750 social science teachers in the high schools of the state of Washington, the persons having been interviewed during 1937-38. Those data were supplemented by records of the State Department of Education, various publications, and other sources. From this study, however, it should not be assumed that sociology teaching throughout the country closely resembles the situation in the state of Washington, inasmuch as no data have been gathered from other parts of the country from which to make a comparison.

SOCIOLOGY IN THE CURRICULUM

A study of the social science curricula in the past few years shows that the teaching of sociology in the high schools has increased. History has always dominated the high-school social science curriculum in the state. In the past twenty-five years the proportion of history and non-history courses has fluctuated slightly. Records show the following trend as to the percentage of social science enrollment in history: 1915, 73 per cent; 1920, 67 per cent; 1925, 60 per cent; 1937, 70 per cent.¹ There has been little or no change in the past twenty-five years. In sociology it was found in 1926 that the number of courses had increased over a few years from 31 to 59, and enrollment had increased about 160 per cent. Sociologists talked then in terms of rapid expansion and careful development of teacher-training facilities. The records in 1930 indicated 74 schools in which sociology courses were being taught, an increase over 1926 of 25 per cent. In 1937 the state department of education records listed 111 courses in sociology, an increase over 1930 of 50 per cent. In the records of the state department in 1938-39 there are listed 87 teachers of sociology. This is an apparent decline and it is probably due to the inaccuracies of the records. It is doubtful that it indicates an actual decrease in the number of sociology courses being taught. Though it is difficult to draw very positive conclusions about the trend, it seems reasonable to assume that the in-

¹ Figures compiled by Daniel H. Johnston and Read Bain. On file in the University of Washington library.

crease has not been uniformly rapid over the past few years. Possibly there is a decreasing rate of increase, but one can not be positive about this from the records.

Another way to approach the problem is to consider the proportion of sociology to the total social science enrollment. The sample interviewed in 1937-38 showed about six per cent of the students taking sociology, which approximates the records of the State Department of Education (five or six per cent). A tabulation of the 1938-39 records showed 11 per cent of the teachers teaching a course in sociology. This means that about twenty per cent of the high school youth come in contact with organized sociology during their four-year career, a relatively small minority of the students. This illustrates the first point: the social science curriculum emphasizes the study of history; the study of sociology, along with the other social sciences, is relegated to a subordinate position with no significant change being recorded, at least in the past decade.

TEACHER PREPARATION

A second problem to consider is the adequacy of the training of high school teachers of sociology. There is no definite criterion of preparedness for teaching in this field. We have used here only a rough measure of the adequacy of high school preparation, utilizing the college sociology major or minor as the criterion. The 1937 records showed that of all the classes in sociology 15 per cent were being taught by teachers with sociology majors or minors and 85 per cent without. The survey of 107 teachers showed that four per cent of the courses were being taught by teachers having sociology majors, 25 per cent by teachers having sociology minors, and 20 per cent by teachers with social science majors. Fifty per cent were being taught by teachers with none of these, in other words, without specific preparation.² A study of teachers in 1938-39 indicated that 12 per cent of the teachers of sociology had preparation in that field, 7 per cent had a social science major, and 80 per cent had neither of these. Eighty per cent would be classed as inadequately equipped, even by our poor criterion of a major or minor. Knowing the inadequacies of the records, we may say that probably the percentage is lower than 80 per cent, although it is hazard-

² Just for comparison, 45 per cent of the classes in economics were being taught by teachers without preparation in that field, 72 per cent of the government classes were being taught by teachers without training in government, and 13 per cent of the history classes were being taught by teachers without history or social science preparation.

ous to assume that the percentage of so-called "prepared" sociology teachers would be as high as 50 per cent. Probably one half to two-thirds of the teachers of sociology in the state do not have even the simple preparation required by a sociology major or minor or even the smattering of knowledge represented by a social science major.

A social science major is obtained by taking a scattering of social science courses, the total number of credits being approximately equal in number to the amount required for a normal academic major. The possession of a social science major is better than the possession of no major or minor at all in the subject, but the possession of such a social science major is but meager preparation to do an adequate job of teaching sociology.

Many students take a sociology major or minor by choice, even if they do not expect to teach the subject. In the 1937-38 series it was found that, although sociology had only 5 per cent of the enrollment, eleven per cent of the major and minor preparation was in sociology. This represents a large number of teachers who have studied sociology although they are not at the time teaching it. In the 1938-39 records, of 772 social science teachers, 87 were found to be teaching sociology courses and of these only eleven had sociology training, whereas 100 teachers had prepared in sociology and were not teaching it. It would appear that, despite the lack of opportunity to teach sociology, a large number of students in the colleges are preparing in sociology, presumably feeling that here is a significant and interesting and valuable field in which to take a major or a minor. It indicates that many teachers are available who might teach sociology were it offered in the curriculum.

CLASSROOM TREATMENT OF SOCIOLOGY

Do the courses in sociology as now being taught in high school meet the above-mentioned responsibility? An examination of what is being taught reveals some interesting facts concerning how adequately social education meets the needs of our modern democracy. Our society has undergone in the last decade tremendous and fundamental strains and shocks—a period of accelerated rate of social change and perhaps increased social disorganization. Social science education has developed also during this period; efforts have been made to adjust the teaching of social science subjects so that they correspond at least roughly to the changing social situation. The social movements of the day and the vital social problems facing our society, problems that often enter into the personal lives of many of the students, form the logical core of the

social sciences. It is in these fields, in a study of these problems, that the science of sociology has been able to give valuable insights and to make a real contribution. Here are significant subjects: the important problems of the national government, such as relief, agricultural adjustment, and social security; studies of population mobility and migratory workers, the growth of metropolitan centers with their constellation of urban institutions and processes—all fascinating subjects for study; the important study of the family and marriage; the problems of class conflict, of labor versus capital, of democracy in operation, the concept of civil liberties, the growth of fascism and the problems of war; the effects of science and technology on social institutions and social change; communism and socialism and their fundamental economic implications, social legislation and community welfare, crime, delinquency and social disorganization, and many other vital problems present in our modern culture.

These subjects arise in every classroom as problems of immediate concern to society, often of personal importance to the students. They represent a challenge to teachers. There are only two things for the teacher to do: first, to ignore the problems, thereby to kill the students' interest and avoid what may be a fundamental function of education; or, second, to respond to the students' needs for adequate information, to make an effort to analyze these problems impartially and accurately. The second alternative is almost universally taken. In the classroom there frequently arises the problem of how to handle the subjects adequately.

We should consider the kind of treatment teachers can give these problems. What are the difficulties preventing an adequate study of these "must" subjects? First, it must be remembered that the curriculum is not adapted to an organized study of these subjects; it is oriented around a chronological history which badly neglects any consideration of modern society. Second, many, perhaps most, of the teachers do not have sufficient background in the social sciences to provide the objectivity or the fundamental theory that are so essential to social science education. We usually find them making a courageous but inadequate attempt to deal with these subjects in the classroom. They rely upon the fragmentary knowledge they glean from the commercial press, the biases of the dominant groups in the community, the superficial analysis which characterizes much public thinking, and any unscientific opinions they might have. The material that sociologists consider in their field of study is dealt with hastily, inadequately, and in a disorganized fashion. There is a real failure to treat these materials in a comprehensive manner.

IMPLICATIONS FOR SOCIOLOGISTS

This brings us to the fourth question: How may we sociologists implement our conviction that we have a fundamental responsibility for diffusing and disseminating scientific knowledge through the democratic public school system? What is a sound, specific, immediate program. A fifth question must be faced: Why should not sociologists function consistently and actively as a pressure group encouraging state departments of education and educational administrators to recognize that properly organized high school sociology courses taught by teachers trained in the field would serve a significant need in educating the youth for democracy? For example, a one-semester or one-year compulsory sociology course must be carefully considered and worked out for all high schools. A sixth problem or need is that sociology departments of the colleges and universities should expand their facilities to provide adequate and comprehensive courses in sociology and social education which are available to teachers, and that the departments should urge upon the schools of education that not only teachers in the social science fields but *all* teachers take a well-organized program of sociology courses. These courses should be offered primarily for teachers and carefully directed toward preparing them to teach all subjects with a social orientation. Should not all teachers in the common schools have a carefully directed study in sociology and the other social sciences, in order that all students, in every field of work, may have their thinking directed toward the social implications of their study, and the life about them? The reason sociologists may take the lead in a movement in which all the social scientists take part is that our fields of study are tied up intimately and closely with the lives of the students at every level. And guided by our social psychologists and sociologists of the family, we can state definitely that effective teachers must know how to set up a school situation that encourages an adequate social adjustment for youth at all age levels. This predicts for the future an integrated social science program throughout the school system.

And finally, may we not say that democratic ideologies and social values must be inculcated in the youth of a democracy, and does not our role as sociologists better equip us to do this than any other scientific group? Does not the present European fascism and war situation define freshly for us the real responsibility that teachers in a democracy have for developing in youth a thorough and critical understanding of democratic society, its ideals, and social values? This would seem to be so obvious that the only question is how we may implement our convictions.

MIGRATORY FARM LABOR IN THE WESTERN STATES¹

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The disorganizing forces of a transitional age have made their disrupting influences felt on the agricultural labor situation. Included among farm laborers are castaways of mechanized farming areas and of urban industrial centers; former farm owners, tenants, and share croppers who have been forced downward on the agricultural ladder; and youth, both those hoping some day to farm independently and those unable to find other employment. Attitudes toward hired farm laborers vary according to the area of the country, their position in the social system, and characteristics of the laborers themselves.

The migratory farm worker exists because there is a seasonal demand for his services in intensive crop areas where the supply of local labor is insufficient. The situation in the Yakima Valley, Washington, is typical. Some four to six thousand farm workers reside in the Valley, yet thirty-five thousand full-time workers are needed for the hop harvest during the second week in September; within two weeks the harvest is completed. A month later twelve thousand workers are required for the apple harvest. By mid-winter a total of only five hundred workers is needed.

Adding to the seasonal migratory labor problems has been the stream of migrants from the drought states in quest of employment. This migration has built up an oversupply of workers, a situation which leads to frequent exploitation of workers by employers. Wages in the profession are low, averaging between \$200 and \$400 cash for an entire household during a year, plus a few perquisites. Shortness of jobs, which means frequent shifting from one place to another, and considerable periods of unemployment further complicate the migratory farm labor problem. Sanitary conditions and housing facilities in the temporary camps available for the workers generally fall below minimum standards. Mobility of families adversely affects educational attainments of children and complicates the task of their upbringing. In many areas migratory laborers are labeled as an inferior caste, described in terms denoting inferiority, such as "pea-picker" or "migs".

¹ Abstract. The paper will be published in full in the *Proceedings of the Eighteenth Annual Conference of the Pacific Coast Economic Association*, 1939, pp. 98-102.

Farm laborers as a group have benefited from few of the social protections which have been extended urban industrial workers through social legislation and welfare programs. This is largely the result of a cultural lag, which continues to assume that agriculture is still operated on the paternalistic, family-farm basis, and that the individual, not the social order, is responsible for the plight in which he finds himself. An unprofitable agriculture is partly responsible also, inasmuch as few farmers could provide more security for their workers even if they so desired.

Government is beginning to take steps to improve the lot of farm workers in appreciation of the fact that this is a social rather than an individual problem. Minimum wage provisions have been placed in sugar beet contracts, a series of farm labor camps has been constructed on the West Coast, and a medical program for low-income families has been instituted in California. Other needed steps are (1) the extension of the farm camp and medical programs to other states, (2) development of a plan for including farm laborers under the old-age benefits, and unemployment compensation features of the Social Security Act, (3) extension of the wage-hours provision to agricultural workers, (4) betterment of placement-service facilities, (5) stabilization of workers through subsistence gardens or industrial developments, and (6) improvement in the enforcement of existing health and educational regulations. In these directions lies hope for the better social and economic adjustment of the farm labor group.

EMILE DURKHEIM'S CONTRIBUTION TO THE PROBLEM OF SOCIAL ORDER

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Any contribution Durkheim may have made to sociological theory consists not so much in the elaboration of the concepts of the "group-mind" and the "collective conscience" as in the thinking behind them. That which is basic and fundamental to his thought is an original problem and a series of empirical observations which he attempted to reduce to some theoretical form. Divorced from the original problem, Durkheim's conclusions are useless and unacceptable, but, looked at in relation to the thing he was trying to account for, they are both interesting and suggestive.

Durkheim's first major work, *De la division du travail social* (1893), though presented to the reader in the form of a study of the effects of the division of labor on society, is basically an attempt to establish the existence of a social factor, a non-contractual element, in human relationships in the form of common moral rules.

Durkheim begins his analysis by classifying societies into two groups: (1) the simple, homogeneous, and undifferentiated, characterized by the lack of the division of labor, and (2) the modern, complex, and differentiated societies, in which there is a high development of the division of labor. With this basic distinction in mind he then turns to the nature of the social bond that is to be found in each case. *Mechanical solidarity* is peculiar to homogeneous, undifferentiated groups, where there is a high degree of similarity between its members. As a result of this similarity between individuals a violation of the mores constitutes an attack upon everyone and thereby invokes repressive sanctions. It is in this sense that Durkheim insisted that social facts exercise *constraint*. In order to describe this body of common moral rules, Durkheim applied the term *collective conscience*. At this stage Durkheim was very circumspect and explicitly stated that the term collective conscience was not intended to mean anything more than the "totality of like-mindedness."¹ The collective conscience is *exterior* in the sense that it exists outside of the actor but in the minds of other individuals.²

¹ Emile Durkheim, *The Division of Labor in Society*, tr. by George Simpson (New York, 1933), pp. 79-80.

² Roger Lacombe, *La méthode sociologique de Durkheim* (Paris, 1926), p.24; Talcott Parsons, *The Structure of Social Action* (New York, 1937), p. 349.

What Durkheim had done here was merely to point to custom and tradition as an important "social factor" in the maintenance of social order.

Organic solidarity, on the other hand, is peculiar to heterogeneous, complex societies, such as are to be found in Western Europe. Solidarity is no longer based on the existence of a body of moral rules common to everyone but is due to mutual dependence and obligation incurred in the performance of special activities. The transition from mechanical to organic solidarity is brought about by the pressure of population growth. Competition leads to specialization, which in turn produces a new and higher type of social bond—organic relationships.

At this point Durkheim was confronted with a major difficulty. Because the concept of the collective conscience was developed with reference to primitive peoples, who are supposedly noted for their like-mindedness and the homogeneity of their culture, Durkheim was forced to assume its absence in the more differentiated cultures. Consequently, social order could no longer be traced to the social factor in the form of common moral elements, but had to be explained in terms of mutual interdependence resulting from the division of labor.³ Because of the emphasis on the contractual nature of such relationships, this brought Durkheim perilously near the position of those he so severely criticized. What happened here was that he attempted to pursue two problems simultaneously. He was trying to account for social order and at the same time explain social differentiation. The two problems were incompatible.

Seemingly unaware of it at the time, Durkheim hit upon a way out of the difficulty in his discussion of the secondary causes of the development of the division of labor.⁴ In the original account of the division of labor he had appealed to population pressure as the primary cause.⁵ This had only served to intensify competition and account for the differentiation of society. But differentiation was not the fundamental problem. The common moral element in society was primary in his thinking, and the division of labor was of interest only as a process giving rise to a new unifying bond. In the analysis of secondary factors, however, differentiation is not the only process going on. Accompanying it is the progressive abstraction of moral rules. The break-

³ Cf. Parsons, *op. cit.*, pp. 319. ff

⁴ *The Division of Labor*, Book II, Chap. 3.

⁵ *Ibid.*, Book II, Chap. 2.

down of tradition and the intensification of mobility serve to change the form or content of the collective conscience. In short, instead of disappearing, the common moral element, the non-contractual factor, persists and, by changing its form through a process of abstraction, adapts itself to the new circumstances. If Durkheim found himself in difficulty, he did not abandon his original empirical data but sought to modify his theoretical position. This he attempted in his second major publication, *Les règles de la méthode sociologique* (1895).

The point of departure in *Les règles de la méthode sociologique* was precisely the same as that of *De la division du travail social*. In both instances that which was of primary concern was the common modes of thought and action which seemed to provide the key to a well-ordered social life. There was, however, this important difference. In the first case, the common ways of acting and thinking were related directly to the problem of social order. As such, there was no issue concerning their metaphysical status. But, in the methodological treatise these common moral elements were only indirectly so related. Now their importance was due to their being the object-matter of a scientific discipline. As a result of this shift in focus, the collective conscience no longer constitutes an answer to a problem but was something to be explained and accounted for.

Thus freed from the restrictions imposed upon it by the problem of social order, the concept of the collective conscience could now be modified to meet the needs of theoretical consistency. Henceforth, the direction taken by Durkheim in his analysis of the social factor was determined by the tenets of natural science. The principle that social facts must be treated as things and that they must be identified and defined by characteristics peculiar to them meant that the collective conscience had to be given an independent existence. It could no longer be tied to individuals and looked upon as a body of ideas common to each member of the group. The dictates of positivism had forced a sharp cleavage between social facts and their individual manifestations. Now, this way of envisaging the collective conscience fitted in closely with the notion of indetermination and abstraction as developed in the latter part of the *De la division du travail social*. Further, the criteria of exteriority and constraint, which originally were used to describe the controlling power of common ideas, now became evidence of the autonomy of the collective conscience.

It is clear, then, that Durkheim's effort to clarify the nature of the social factor by giving it a methodological orientation had two major results. In the first place, it divorced the collective conscience from the problem of social order. Secondly, it modified the collective conscience so that it became a unique and autonomous entity independent of individuals. What had been evidence of a social factor became an argument as to the nature of social facts. The question, then, was: How is the new concept of the collective conscience to be applied to the concrete facts of order and disorder?

In *Le suicide* (1897), Durkheim returned to a direct consideration of social order and began, not with the social factor as such, but with a particular phenomenon to be accounted for, suicide rates. Now, Durkheim had as a guide the theory of the collective conscience as developed in the *Les règles de la méthode sociologique*. The concept of the collective conscience as a body of ideas held in common was satisfactory when inquiry was limited to primitive peoples, but was not applicable to present-day societies displaying a heterogeneity of thought and action. Because the study of suicide was limited to complex societies, it was necessary to find another way to explain the uniformities evidenced by suicide rates. Consequently, the view of the collective conscience as an independent entity capable of exercising constraint over individuals, as a super-individual force or agency, was acceptable.

The theory of both altruistic and egoistic suicide was that there is a group pressure or collective force which determines the ratio of suicides. In the case of altruistic suicide, the individual is subordinate to the interests of the group to the extent that his life counts for little. Egoistic suicide, in contrast, results from the isolation of the individual from collective life. Because ends become personal rather than social, the individual has nothing to live for. In both instances the collective conscience is an entity dominating or failing to dominate individual conduct.

The reader of *Le suicide* cannot help feeling that Durkheim was having trouble making his empirical data fit his theoretical explanation. In each of the illustrations given, the individual who ends his own life was facing a personal crisis. In altruistic suicide it was the loss of one's husband, old age, a military reprimand, or failure in some undertaking. Apparently there are two variables in the suicide equation. If the individual commits suicide because of the collective conscience, it is only because he finds himself in a distressing situation. Otherwise, he

would not do so. In egoistic suicide the importance of crises is even greater. Individuals placed in a situation where they are not supported by a strong collective life are not able to cope with emergencies. If there are no crises, there would be no need of a strong collective conscience. The difference between these two variables is that one focuses on the group, the other on the individual. Because Durkheim maintained a strict separation between the collective conscience and the individual, he was not able to include both variables in one explanation.*

Though Durkheim treated "suicide anomique" as a third type of suicide, it seemingly arose in his mind out of his discussion of egoistic suicide. In both instances the really important factor was individuation and the absence of collective ideas. In egoistic suicide it was the separation of the individual from a strong collective life and the lack of self-sufficiency. In anomic suicide the important factor was the absence, for a given group of people during a particular period, of life goals. Even though Durkheim would have insisted that this lack of ends is due to the weakness of the collective conscience, the emphasis here was on the individual and his personal situation. The importance of this restatement of facts is that Durkheim's analysis no longer depended upon the assumption of a psychological entity with its qualities of exteriority and constraining power. By implication, social order is due, then, to the existence of a body of accepted and recognized ideas common to the members of the group. Durkheim is at precisely the point from which he started.

Although the conclusions arrived at through the analysis of anomic suicide were attractive to Durkheim, he could not see his way clear immediately to follow them up. It would have meant the abandoning of the idea of a collective conscience as an entity, which was at the time too valuable a theoretical principle to sacrifice. As a consequence, Durkheim returned, in "*Représentations individuelles et représentations collectives*" (1898), to the question of the nature of the social bond. In a final effort to reconcile the idea of a collective mind with the facts of order and disorder, he drew a comparison between the individual mind and the collective mind. Though this gave a rational support to his contentions, it failed to provide any further clue as to the nature of the social factor other than to emphasize the importance of common

*An excellent analysis of Durkheim's confusion as to what is meant by "individual" is made by Harry Alpert, *Emile Durkheim and His Sociology* (New York, 1939), pp. 162-63.

ends or goals in human conduct. The absence of this type of argument in his subsequent writings indicates that he himself lost faith in its possibilities. This left him with common moral elements as the sole basis of social order.

The question arises at this point as to why it was that Durkheim emerged, after so long a period, with approximately the same point of view as that with which he started. The reasons are not far to seek. In the first place, Durkheim began with the assumption that social order is made possible by the existence of a body of common and accepted modes of thought and action. It is true this initial idea was founded in observation. Nevertheless, because he immediately attempted to establish his contention by argument and illustration, he could not get beyond his starting point.

Secondly, the fact that Durkheim approached the problem of social order through a criticism of orthodox economic theory involved him in the problem of social differentiation. Because he rejected the principle of the mutual advantage of exchange, he was obligated to provide an alternative account. This forced him to seek the source of social order in non-individual or non-contractual elements. Finally, on account of a confusion as to what constitutes the individual, he arrived at the notion of a collective conscience. This all amounted to a digression and operated temporarily to separate his inquiry from the problem of order. When, however, the idea of the collective conscience was finally discarded or minimized, the digression ended and Durkheim was right back where he started. Had he not followed his argument by elimination he might have avoided much of his trouble.

When Durkheim turned to the study of religious phenomena, it was, then, to pursue his interest in the common moral element. In this respect, *Les formes élémentaires de la vie religieuse* (1912) corresponded to the *De la division du travail social*. There was, however, the following difference. In the earlier work the existence of "common ways of acting, thinking and feeling" was taken as given. Even their compulsiveness was accepted as a consequence of their generality. In *Les formes élémentaires de la vie religieuse* the orientation was less critical, and Durkheim was able to proceed immediately to the question of the source of the common moral elements in the form of religious beliefs and particularly to their compulsive character. From the very beginning of Durkheim's thought, this had been the real problem.

When Durkheim defined religious beliefs in terms of their sacredness, he thereby transferred the elements of force from the ideas themselves to the attitude of the individuals accepting them. Because people feel obligated to accept and abide by the religious beliefs and practices, the question of exteriority becomes unimportant. Collective representations are now resident in the minds of individuals, and their existence does not presuppose an abstract entity.

The most important principle developed in the study of religious beliefs was that which traced the element of respect to the gathering together of individuals and the resulting emotional or spiritual experience. The mutual stimulation and excitation arising from association became the means by which certain acts and beliefs became sacred and hence obligatory. This was an important step in Durkheim's reasoning, for it meant that the synthesis argument was no longer essential.

The observations and insights embodied in the sociological work of Emile Durkheim represent a distinct advance over the thought of his day and justly provoke serious consideration today. In conclusion it is appropriate to summarize the major contributions of Durkheim's thought to the problem of social order:

1. Durkheim offered a searching criticism of individualistic utilitarianism, a major thread of modern thought.

2. Durkheim recognized the importance of the stable and unchanging aspects of culture, and his studies represent one of the most extensive efforts ever made to work out a satisfactory methodological approach to the non-changing aspects of human relationships.

3. At a time when individual failure was traced either to immorality or ignorance of the individual or to the form of government, Durkheim emphasized in the concept of anomie the interrelations of personal and social disorganization.

4. No one has seen more clearly than Durkheim the social consequences of the rapid individuation that has taken place in recent centuries. It is to his credit to have pointed to the ever-increasing number of persons who have no place in the group and hence are not subject to the usual controls of the group. The importance of this social isolation of individuals for the problem of social order can hardly ever be overestimated.

THE DEMOCRATIC IDEOLOGY OF THE SOCIOLOGISTS WARD AND COOLEY

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Students of the Marxist system of thought are familiar with its theory of ideology. For Marx, it was an essential phase of historical materialism, wherein the knowledge and attitudes produced by any social epoch is viewed as being ultimately conditioned by the productive forces. The democratic ideas contained within the writings of the two American sociologists, Lester F. Ward (1841-1913) and Charles Horton Cooley (1864-1929), furnish excellent material for ideological analysis. They also reveal interesting conceptions touching on two proximate periods in the history of American democracy, as this history is reflected in the thought of men who were outstanding representatives of the discipline known as sociology. A discussion from this standpoint constitutes the purpose of the present paper.

Of primary significance is the fact that both Ward and Cooley took a distinctly environmentalist, as distinguished from an hereditarian, position. Ward viewed the environment in the form of "opposition" which must be "artificially," as he said, overcome. Cooley, on the contrary, viewed environment more in the sense of its being a facilitator. Both men were also equalitarians. Ward's expression of this principle appeared mainly in his contentions as to the equal mental capacity of races, the sexes, and social classes. Cooley placed his emphasis upon the shrewdness of the common man; in fact, he regarded the humbler classes to be superior, in that they were more broadly human; the more "successful," he thought, were likely to be entangled in wealth and formalism. He wrote, "It is better to have the hand subdued to what it works with than the soul; and the mechanic who sells to the times only his ten hours a day of muscular work is perhaps more free to think humanly the rest of the time than his employer."¹ Ward apparently had less respect for the lower class, but he was deeply concerned about them and held that they could be trained out of their condition: "The lower classes are so unintelligent, maladroit, unorganized, and generally inefficient that they cannot formulate a rational demand, and have no idea how to proceed in the effort to secure what they want."²

¹ *Social Organisation* (New York, 1925), pp. 140-41.

² *Applied Sociology* (New York, 1906), p. 93

These ideas suggest the democratic spirit of the men, and at the same time they indicate the sensing of the inadequacy of existing democracy. Both lived under the nation's achieved political democracy, but also observed the inequalities which were being perpetuated by it; both, therefore, argued for a kind of social democracy. The circumstances for their taking this stand lay in the fact that they were writing within a relatively mature phase of the development of democratic forms of social organization and ideology. Contrast, for example, their regard for the masses with the attitude of Voltaire, who lived before the fruition of bourgeois democracy but was a chief harbinger of it. In this light, it is significant that Voltaire neither looked to the masses nor trusted them; on the contrary, he openly expressed his contempt for them. Later, and in a different setting, Adam Smith served the bourgeois movement with the doctrine of *laissez-faire*. Ward and Cooley shared with these earlier ideologists their antagonism for vested authority, but were impelled to go beyond them in several respects. The first of these was their sympathy for the masses; the second concerns the question of *laissez-faire*. Ward made a particular attack upon that school and was able to point out that the very defense of it involved the "admission of the efficiency of effort."³ He also exhibited much more sagacity than some of our own contemporaries in suggesting that *laissez-faire* has no influence on men "when it conflicts with their interests." Likewise, Cooley, though defending freedom, argued that there could be no freedom without control.

Although they rejected this bourgeois economic doctrine, Ward and Cooley at the same time exhibited certain other qualities of the liberalist ideology; consider, for example, their ideas on government. Ward said, "Whatever may be the future of government as an active progressive agent, it certainly has not proved such in the past." On the same subject he continued to say that "in restricting liberty it has reduced the amount of possible enjoyment, and justly earned the title so freely applied to it of a 'necessary evil.'" Furthermore, "Governments always institute themselves; they never wait to be instituted. They always emanate from the few seeking protection." Ward thought that whatever progress has taken place in government has been due to the resistance of the people, not to the sense of justice of their governors. In sum, government was "fundamentally a necessity" but also a "powerful in-

³ *Ibid.*, p. 14.

fluence in direct hostility to human progress."⁴ Cooley said of government, that ". . . because it is the most ancient and elaborate machine we have, it is apt to be too mechanical, too rigid, too costly and un-human. As the most institutional of institutions it has a certain tendency toward formalism, and is objectionable on grounds of red-tape, lack of economy and remoteness from the fresher needs of the people."⁵ Both men are thus seen to have reacted against government as a sort of survival of autocratic forms.

In attacking the economic problems of democracy, Ward and Cooley touched on labor unions, public ownership, and socialism. As a solution they each envisioned a type of industrial democracy. Concerning labor unions Ward wrote that they should have the "hearty support . . . of sympathetic persons." He also recognized that "attempts on the part of labor to combine against capital are usually suppressed by the armed force of the state,"⁶ whereas combination on the part of capital is taken for granted. Cooley seems to have had a more sympathetic view of labor than Ward and regarded the unions as favorable media for the development of democratic group sentiments and discipline.

In their approach to the other economic questions, both of these men stood in favor of public ownership. Ward argued, for example, that "whatever the state does is usually better, if not more economically, done than what is done by individuals."⁷ On the question of socialism, Cooley aimed to show that such sentiments are, among other things, manifestations of the democratic aspirations of peoples; they are expressions of the national family feeling and bonds of a common life, and, thereby, enlargements of what he called the "primary group" sentiments. But neither of these authors regarded socialism as necessary for the extension of democracy. Like Voltaire, who wanted to apply his rationalist conceptions in the interest of a thin layer of the middle class but not extend its benefits to the masses, Ward and Cooley went only so far in their democratic liberalism, and would go no further. Let us illustrate their attitudes in this respect: Marxian socialism, for example, posits as its basis "historical materialism," in which the economic forces of production are regarded as the ultimate determiners of social change. This is the essence of the materialist conception of history. Ward, too,

⁴ *Dynamic Sociology* (New York, 1897), II, *passim*, pp. 216-27.

⁵ *Op. cit.*, p. 404.

⁶ *Psychic Factors in Civilization* (Boston, 1893), p. 264.

⁷ *Dynamic Sociology*, II, p. 582.

was a materialist, so far as the natural order of things was concerned; but when dealing with the question of causation in the social realm, he turned into something of an idealist. This led him to state that, although "economic impulses" precede the ideas, a "purely economic interpretation of history is utterly inadequate."⁸ In this vein he continued, "Ideas . . . really make, lead, and move the world, and . . . *if mankind can only be put into the right mental attitude economic conditions* and all else *can be safely left to take care of themselves.*"⁹ Cooley, likewise, rejected the "economic interpretation" as a denial of the "organic view" of society which he held. This view he placed counter to both idealism and materialism. He objected to any theory which would make one factor 'more ultimate than others.' No 'so-called factors . . . have any real existence apart from a total life in which all share in the same way that the members of the body share in the life of the animal organism.'¹⁰ It seems quite evident that neither of these men was aware of the Marxian distinction between "economic determinism" and "historical materialism," and that neither had studied the Marxian system of thought. Cooley, in his main sociological works, makes no mention of Marx; Ward dismisses him as one concerned with art, not science; in fact, he discounts all of the socialist arguments as largely "pure theory and a priori deduction,"¹¹ An important point for ideological interpretation which might explain these attitudes has been well put by Mr. Laski, namely, that ideas are often "dismissed less because they have been examined than because their premises are outside the environment they seek to penetrate."

In line with the attitudes relating to socialism, it is significant, too, that in spite of sympathy felt for the underprivileged classes, Ward and Cooley would stop short of anything like revolution as a means of emancipation. Both favored the conception that social changes are naturally gradual, not cataclysmic. Their ideology was anti-revolutionary, class conciliatory, and gradualist. Ward wanted to improve the condition of the lower class through education and his "sociocratic" scheme of government; Cooley thought this could be accomplished by encouraging the working-out of the human nature sentiments. Ward, as seen above, sounded as radical as an Engels when he spoke about

⁸ *Applied Sociology*, p. 48.

⁹ *Ibid.*, p. 49 (Italics mine.)

¹⁰ *Op. cit.*, p. 255, footnote.

¹¹ *Psychic Factors*, p. 330.

government; but in another place he says, "Sociocracy . . . will not be so radical as to require a revolution."¹² Likewise, as a counter to class conflict, Cooley wrote, "The feeling between classes will not be very bitter so long as the ideal of service is present in all and mutually recognized. And it is the tendency of the democratic spirit . . . to raise this ideal above all others and make it a common standard of conduct."¹³ He held that class-consciousness should be thought of neither as bad, nor as a means by which to "gird ourselves for the class-struggle. . . . Class loyalty in the pursuit of right ends is good; but like all such sentiments it should be subordinate to a broad justice and kindness."¹⁴ Cooley was so fervently desirous of a society characterized by "organic" harmony that he saw any conflict as antagonistic to that end. The evidence presented up to this point offers ample proof that these men, when it came to reform, were little else than idealists in so far as their conceptions as to the means of implementing social change were concerned.

Though Ward and Cooley exhibit these striking similarities with respect to their politico-economic thought, it should be noted that they part company with respect to theoretical interpretation. Both adopted the rationalist-intellectualist standard, but Ward's rationalism was tempered very definitely by a natural science outlook of the materialist-environmentalist variety; Cooley's, however, was more of the Hegelian romantic type of rationalism. Consequently, Ward was led to advocate something which seemed to be almost the *imposition* of democracy by means of education, whereas Cooley viewed democracy as *working itself out*, under conditions especially offered by modern means of communication.

To trace these lines of reasoning adequately, it is necessary to emphasize the part which the "organic" theory of society¹⁵ played in Cooley's conception of democracy. It is within this frame that he deals with the part played by discussion in the formation of public opinion, the expression of the "public will," and the relation between the indi-

¹² *Ibid*, p. 324

¹³ *Op. cit*, p. 302

¹⁴ *Op. cit*, p. 242.

¹⁵ This "organic" theory must not be confused with the so-called organic analogy, or "organismic" view, as put by Herbert Spencer and others. Cooley was apparently quite unaware of the fact that Marx, following Hegel, had also presented an organic interpretation of the social process. For Marx, the phases of history and the foundation and super-structure of society were regarded as dialectically related and inter-dependent. This fact differentiated "historical materialism" from simple "economic determinism."

vidual and the group. Turning to Ward, we find that, on the one hand, his anxiety for reform led to the essentially paternalistic plan for social control through education—a type of control similar in form to his predecessor Comte's scheme for imposing "social order" by means of his positivist "religion of humanity." On the other hand, Ward's naturalistic empiricism plus his liberalist philosophy made a sociological nominalist of him; therefore he held that ideas, to be socially effective, must be possessed by each mind equally. Cooley opposed such views, showing that public will and public opinion are no mere summation of individual opinions, but "an organization, a cooperative product of communication and reciprocal influence." The quality of opinion is determined by the naturally good judgment shown by people in choosing their leadership. Group opinion is always better than the mere average of the opinions of individuals; in fact, it is most natural for the opinion of the best thinker to become the opinion of the group. Thus Cooley explicitly opposed nominalism, but also avoided the errors of sociological realists who explained group phenomena in terms of such mystical conceptions as the "social mind." Also, whereas Ward's view of social control was a rather mechanical one, Cooley made definite and repeated criticisms of mechanical forms of control as oppressive. Group unity or solidarity, he thought, must be achieved through spontaneous human association—not by the imposition of repressive, mechanical, or "un-organic" restrictions.

There are a few odds and ends which should be mentioned as being significant for this comparison. As regards the purpose of knowledge, both Ward and Cooley held that truth should be pursued for its utility, not as an end in itself. Both mentioned the importance of historical data for social understanding, yet neither revealed much sense of historical perspective; their works were typically non-historical in viewpoint. Finally, of significance for ideological considerations, is the fact that both writers supported the idea of progress. Ward was the more optimistic, perhaps because more embedded within the nineteenth century; although an emanator of the scientific spirit, he was utopian at heart. Cooley seems a little less unduly confident but gives no favor to doom. Both men judged progress in terms of the fuller realization of human qualities. Ward wanted to measure progress hedonistically, in terms of happiness; for Cooley it was a matter of the fuller expression of the qualities of human nature, to be made possible by an "organic freedom," obtained through the medium of communication. These goals and valuations place Ward and Cooley outside the orbit of those mod-

erns who hold that value-judgments can be eliminated from social science and who think that they themselves are avoiding them.

The foregoing analysis should serve two purposes: (1) it points to the predominant characterizing feature of the thought of two outstanding figures in the history of American sociology, in fact, to a prevalent equalitarian-environmentalist temper of the sociological discipline, and (2) it stresses the importance of considering social theory in its historical and ideological perspectives. This first item, sociology has not always been self-conscious enough to recognize. With respect to the second, also, American sociology, being so young and unconcerned with epistemological premises, has failed to take cognizance of itself. Of late, such problems have been attacked through the *Wissenssociologie* of Karl Mannheim,¹⁶ but they were quite fully recognized as early as 1846 by Marx and Engels,¹⁷ from whom Mannheim has borrowed his point of departure. Some consideration of early contributors to social thought has been made from the standpoint of conditioning by their times, but current theories are seldom subjected to this type of examination. It would be well for sociologists to consider the accrued knowledge which constitutes their discipline, in its ideological aspects, and to study social theory and evaluate current methodology in this light. It must be recognized, for example, what part the social heritage of the discipline plays in making for the currently popular conception of sociology as being "free from bias" in the sense of a "pure reason, untrammelled by the outer world." The (ideologically) objectionable theories are rejected as "impure" without consciousness as to the real reasons for their rejection. The social heritage of American sociology has been predominantly that of American democratic idealism. In so far as the shift has more recently been away from those ideals and practices in the world today, sociological theory has shown a tendency to take flight into other channels of emphasis or to definitely adopt other positions. Such positions are usually advanced with no apparent self-recognition or admission of the basis for their defense. Recognition of these facts is extremely important in seeking to construct a valid theory of social processes. It is also important with reference to the problem of whether social science is to be a positive and conscious tool for human adjustment or merely a body of academic deadwood and force for social inertia.¹⁸

¹⁶ *Ideology and Utopia*, New York, 1936.

¹⁷ *German Ideology*, New York, 1939.

¹⁸ The analysis of the conditions giving rise to these ideologies, which was a part of the paper as read before the Society, is here omitted for lack of space.

CERTAIN SOCIAL PROCESSES AMONG SOCIAL WELFARE AGENCIES

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Among the many organizations functioning in contemporaneous culture, the role played by the philanthropic organizations has been somewhat relegated to the background. With the ever-widening class distinction which separates people into a small coterie of owners and the motley mass of the disinherited, the significance of assuaging agencies becomes apparent. In both early and modern history, welfare agencies have functioned as mediators between the eager or reluctant recipients and the exhibitionistic, conscious-stricken, or idealistic donors. Private agencies of many descriptions have cropped out in recent years in order to interpret the donors to the recipients, and vice versa. As such they have served as excellent social lubricants, and in almost every community they still endeavor to reduce otherwise inevitable and unpleasant friction.

After a study of 108 social welfare agencies, both local and national, it was concluded that they pass through a definite life cycle. They sprout in favorable social soils, develop by rendering specific services, identify themselves with the community, and sooner or later disappear either through complete modification or extreme uselessness. This seemingly fatalistic outlook for their future does not make them less important in our culture; on the contrary, it adds to their dynamic vitality, because each one must prepare and maintain a niche for itself in order to exist.

Status is the most cherished possession of human beings and their aggregates. All the motley variety of groups in contemporaneous culture, like individual persons, live in a status-bound milieu. They respond directly or indirectly to stimuli and thus raise or lower their status. Similarly, social welfare agencies, whether private or public, are very complex units of activity. They exist, strive, and die by interacting with each other, and through such interactions they find their respective status. No single welfare agency has ever enjoyed an uninterrupted assignment of most desirable status. In certain respects and at certain stages some gain high recognition, but the gained position or standing is not always retained. In fact, in many instances loss of status is more apparent. Consequently, social welfare agencies become exceedingly dynamic realities. Each agency, irrespective of its particular reaction to the specific criteria of status, seeks, struggles for, gains, loses, or maintains status by defining the situation always in an organi-

zational milieu. The gestalt considered is threefold: (1) that of similar organizations engaged within the same field, (2) that of different agencies within the range of general social welfare, and (3) that of similar and varied agencies within the community at large. With regard to each of these three situations, every agency offers specific reaction patterns—all in the name of gaining or retaining desirable status or else of regaining a lost status. Within the range of their attempts in this direction certain well-differentiated unorthodox social processes are evidenced

Though each social welfare agency is distinct from every other agency, certain elements are common to all of them. As a result of interaction among these agencies, through the phenomenon of status definite causal relationships are established. Each agency acts and interacts with other agencies as a distinct unit. Even if they work within the same field and more or less for the realization of similar ends, sociologically speaking, they reveal certain modes of behavior which repeat themselves over and over again. This tendency toward the recurrence of definite behavior patterns is responsible for the deduction of special processes operating within the realm of the social welfare organizations. Although recurrent characteristic changes operating among the agencies are many-fold, only three major ones common to all are briefly treated here: (1) organizational emerging, (2) functional striving, and (3) societal becoming.

Organizational Emerging: The analysis of the genesis of a welfare agency will disclose that it came into being, like any other new creation, out of certain pre-existing conditions. The Salvation Army as a soul-saving device, the Boy Scouts of America as a character-building unit, the Child Guidance Clinic as a preventive agency in the field of behavior problems, the St. Vincent de Paul Society as a means to assist the needy, the National Tuberculosis Association as an agency to relieve the sufferers from the ravages of the so-called white plague, the Travelers' Aid Society to serve the needs of those gone astray, once were not. None of them made their appearance during the Middle Ages, nor did the seventeenth or eighteenth centuries offer opportunities for their rise; but now they are *bona fide*, nationally and locally recognized agencies serving individual and collective needs. No one can mistake these organizations for other agencies; none can ignore them.

How did these and similar agencies within the field of social welfare come into being? Without going into the ramifications of the

process, one may say that ecological, religious, professional, economic, educational, and a multiplicity of other social factors paved the way for their genesis. For illustration we may take the Orthopaedic Foundation as an independent activity-unit. When the idea of an Orthopaedic hospital dawned in the mind of a physician, the Orthopaedic Foundation did not crop out as a tangible reality. The stored-up sentiments of the members of a Bible class in a Congregational church, the yearnings of a childless and lonely widow, the clash of personalities in a clinic operated by the University, the ambitions of a young surgeon, the rapid accumulation of wealth by certain real estate men and industrialists within the same city, the development of humanitarian impulses in an impersonalized business man, all contributed their respective share here and there, gradually but persistently. The coordination of these factors brought forth the idea of the incorporation of a new social welfare agency in a city already harboring and maintaining several other welfare organizations. The Orthopaedic Foundation was new only in content and organization. Out of its interactions within the organizational milieu the new agency adopted behavior patterns distinct in some particulars but common to a special type of social welfare activity unit then existing within the same social environment. The important fact is that this Foundation emerged as a new organization and thereafter became a social fact.

The rise of these organizations reveals a characteristic recurrence of a social phenomenon which may be termed *organisational emerging*. Welfare agencies emerge out of the social setting and become distinct units within the social welfare organizational milieu. Their reality cannot be questioned. Their existence exposes a history of causal relationships in terms of concrete social interactions. After the stimulation of the social situation has brought about its emergence, the newly emerged agency calls the attention of other organizations to its presence.

As it appears, the organizational emerging process is going on gradually in the life of a given social group. With respect to behavior, however, it is a reality only after the agency shows itself as an independent unit with a fairly new content and structure. There is not a single welfare agency which may be considered an exception to this fundamental, ever-recurring process within the social set-up.

Functional Strivings: "Use and wont," says W. G. Sumner, "are products and results. They had antecedents. It is only by analysis and inference that we can form any conception of the 'beginning' which we are always so eager to find."¹ Truly, all social welfare agencies

¹ William Graham Sumner, *Folkways* (Boston: Ginn & Company, 1906), p.8.

have had their antecedents in the culture history of a given community. But as independent, distinct, and variant forms of organizations they emerged out of a fertile social soil by virtue of interactions and consequent coordinations. Though we may agree with Sumner that "all origins are lost in mystery,"¹ we get a glimpse of definite causal relationships in the emerging of a social welfare agency.

As stated, an agency does not emerge out of nothingness. Neither does it come into a vacuum. As a new agency the Orthopaedic Foundation, for instance, implies an actuality, an organizational life which has to be preserved. Its entrance into the field disturbs the existing balance among other organizations. As a new corporation the Foundation encounters the problem of self-maintenance. Generally we are inclined to take self-maintenance as merely biological, but the analysis of the life history of any organization or corporation shows that it has its social counterpart. That the Orthopaedic Foundation's emergence is an intrusion into the organizational milieu does not obviate the problem of self-maintenance; on the contrary, it is accentuated. The Orthopaedic Foundation has to struggle to keep itself within the organizational setting. As a newcomer it is assigned a status. At first the assigned status is not necessarily high, because very few of the executives and board members of other welfare agencies know much about its ability to carry on the assumed functions adequately. But gradual gain of status convinces the incoming agency that its retainment is indispensable.

Taking a gospel mission as an illustration, one may see two sets of factors, external and internal, which aid its gaining of status. In one of our metropolitan areas a rescue mission as a newly emerged agency strove for internal harmony and balance. Every effort was made to guard against the possible disintegration of its constituents. Unity of sentiment, objectives, and methods was promulgated which ultimately became incorporated in the constitution and the by-laws of this mission. Certain undesirable workers, like the dissatisfied and the critically inclined, were weeded out. In order to establish a strong feeling of unity among the board members, the leader of the mission and the workers increased the dosage of their ethical and religious presentations. Thus the mission, as a unit, exhibited a continuous striving.

But the mission's struggles are not concerned only with the preservation of internal consensus. External conditions necessitate other

¹ *Ibid.*, p. 7

modes of behavior. Certainly its emergence was an intrusion into the theater of social-release type organizations. Therefore, figuratively speaking, the rescue mission stepped on the toes of the Salvation Army, the Volunteers of America, the Christian and Industrial Mission, the Good Will Society, and many others engaged in this type of work. It had to struggle *with* and *against* these missions in order to secure its proper place in the eyes of the contributing public. Working within the same field, it inevitably aroused conflict situations which could be met only by struggling. Thus appeared inter- and intra-agency competitive strivings. No social welfare agency ever escapes such predicaments.

The struggling of an organization for its life is not a temporary or periodic affair. Striving to gain and retain status demands constant endeavor. Struggling drives antithetical units to cooperation. The desire to seek the good will of others fosters social synergy. Consequently, we may be warranted in suggesting that the second characteristic recurrent change, as manifested in the life of these welfare agencies, is functional striving for status. For brevity this process is termed *functional striving*, because these agencies, without exception, in the discharge of their functions seek self-maintenance, which comes to a large extent through the acquisition of high status.

Societal Becoming: It is apparent that the development of an organization can be understood only in relation to the social soil in which it originates and wherein it strives for existence. In addition to this, social welfare agencies show that striving is neither necessarily systematic nor designed. Though an agency subscribes to certain behavior patterns, rigid conformity to them is wanting. External community and organizational conditions necessitate corresponding modifications in the behavior of a given agency. Even the most rigid and inflexible agencies, like the St. Vincent de Paul Society, succumb to innovations in the course of time. Often as a result of striving for status, these organizations assume additional functions for which they have neither inclination nor the necessary equipment. In the assumption of these new functions they feel their way gropingly, tentatively, sometimes experimentally, but more often they plunge in blindly. In discharging these duties in order to gain status the life history of welfare agencies discloses the fact that they endeavor to become something which they are not; they strive to secure something which they have not; and they attempt to retain that which they have acquired.

Striving for status implies gradual alterations, changes in the purposes, objectives, and methods, as well as functions of these agencies. Every move of an agency gradually reveals the agency to itself and to the outside world. Their responses to the demands of the external social welfare organizational environment become recorded and scrutinized. Their ideals are either approved or frowned upon by the community. In either alternative, status is assigned to each agency by the surrounding groups.

Through striving and participation in community affairs, these organizations learn fitness and appropriateness. Status-seeking being based on community approbation, the desire to be an in-group unit within the social milieu fosters the we-feeling sentiment. The ideas of solidarity, unity, professional integrity, and community consciousness become strengthened. Effective participation being a requisite of responsibility, certain social duties are assumed. The agencies cannot ignore the dominant social values which demand conformity and without which the gain of high status would be an impossibility. Situations like these necessitate reorganizations and social adaptations. This is particularly apparent in localities where Community Chests are operative. The agencies have to adjust themselves to the demands of the official directors of the Chest. In fact, most subtly they are expected to support the Chest policies, inasmuch as in many instances the Chest is considered to be a community enterprise and no social welfare agency in such a locality can afford to go against the dictates of the Chest.

Every welfare agency is expected to become part and parcel of the community in which it lives. But this community-consciousness on the part of the social welfare agencies and the assignment of status to them by the community in its turn is not necessarily a spontaneous development. Diverse experiences, crises, and adverse conditions as well as the favorable ones gradually change the attitude of both parties. The gain of status in the community welds the agencies to the social environment at large, and the stronger the bond between the two the more indispensable the organization appears to be to the very life of the community. It is obvious, therefore, that these social welfare agencies become what they are through interaction with other units in the community. Whether conscious or unconscious, this tendency to become a part of the community appears as a fundamental characteristic of all welfare agencies, which justifies the induction of the third social process: *societal becoming*.

A STUDY IN THE DETERRENT EFFECT OF CAPITAL PUNISHMENT¹

ROBERT H. DANN
Oregon State College

The rival arguments—(1) that capital punishment acts as a deterrent and (2) that its deterrent effect is "almost negligible"—should be subjected to careful scrutiny. It is proposed to test the validity of these assumptions by setting up a method of measuring deterrence. If a satisfactory measure can be found, and if it can be represented on a graphic curve, one would expect that the effects of one execution or a series of executions would stand out as a noticeable skewness in any normal curve that might be established as a homicide rate; and further, that this skewness, if it appears, will be in addition to any deterrence that might be felt by the general population resulting from its knowledge of the existing law.

The method of measurement has been to collect data on a large number of homicides, with special reference to the dates on which the crimes were committed, and to arrange these in such a manner as to produce curves that could serve as a measure of the homicide rate. The figures were obtained from the cities of Los Angeles, San Francisco, Portland, and Seattle, including the counties in which these cities are located. The material covers the years 1920-34, inclusive, and consists of a total of 2984 homicides.

The original search was made in the records of the Coroners' Courts in the counties involved. The cases of homicide used here are those so defined by the decision of the Court. It must be admitted that the higher courts did not always sustain this decision even though death was evidently at the hands of some other party. A distinction was drawn between a homicide and a murder. With a few exceptions, all cases of homicide were extracted from the records.² All cases in which death resulted from a shooting by a police officer or posseman were included, though they seldom appear in the records of the su-

¹ The version here printed is considerably condensed.

² One notable exception was made and the case included. Accidents on the streets, and collisions involving street cars and trains were excluded, as were also abortion cases where the patient died. Cases in which a murder was followed by a suicide were included, as these cases, even though they never come to the attention of the higher courts, are probably murders of a high degree. They are cases over which the death penalty had no influence in the homicide situation.

perior courts. The material collected was checked against the records of the District Attorney's office to select the cases of murder and manslaughter of various degrees. Information on the final disposition of the cases was obtained, and the execution records were checked with the penitentiaries where the executions took place.

Of the 2984 cases collected from these sources, there were 1705 in which the defendant was alive and known by name to the authorities; these were 57.2 per cent of the total. There were an additional 265 cases, or 8.9 per cent, in which police officers or possemen were the defendants, and 160 cases in which the defendant had committed suicide at the time of the crime, or 5.3 per cent of the cases. The remaining 28 per cent, or 854 cases, were without known defendants.

The first step in the analysis of the material was to set up a base line representing the entire year, January 1 to December 31. From the beginning to the end of each year, the homicides were accumulated on their respective dates, so that at the end of the year the line had ascended in total an amount equal to the number of homicides committed during the year. This was done for each year for each city, the result being a series of sixty graphs. In order to shorten the base line, the figures were arranged in two-week periods rather than by the day. An accumulation of these curves for the fifteen years into a single line resulted in what appears to be a badly drawn straight line, and a further accumulation for the four areas into a single curve showed even less deviation.

Because population changes may have some effect on figures of this sort, the population for each area was calculated, and the incidence of homicides per 100,000 was computed for each year. The graphs of these figures showed variations among the years, but the averages showed that the larger cities have the greater number of homicides in ratio to their population. The average per 100,00 for Portland was 4.3, for Seattle 4.6, for San Francisco 6.5, and for Los Angeles 7.2. The ratio for the consolidated group is approximately 5 per 100,000 of the population. These figures become the homicide rate for the areas involved.

The next step in the use of these homicide incidence curves was to impose on them, in their proper chronological places, the number of executions that had occurred during the period. The executions were, of course, of those who had committed their crimes in the districts under examination. If executions are effective deterrents, there should

appear some skewness in the curves at these points. Certain refinements became necessary in the process, because the total number of executions to the total number of homicides was only 1.8 per cent, or 54 cases. Of these 54 cases, 21 were selected for special study, as it was possible to group them for periods of sixty days on either side of the execution date and thus practically eliminate influences of other executions. Table I presents certain aspects of the data relating to the number of homicides and the number of executions in the four areas studied.

Table I
FREQUENCIES OF HOMICIDES AND EXECUTIONS

City	Total number of homicides	Total number of executions	Executions selected for special curves	Percentage of total executions	Percentage of total homicides
Los Angeles	1883	34	6	17	.003
San Francisco	576	12	7	58	.012
Portland	205	3	3	100	.014
Seattle	320	5	5	100	.015
Totals	2984	54	21	38.8	.07

The new curves set up for these 120-day periods started with the execution date in the middle of the period. The homicides occurring in the two 60-day periods, before and after, were then located in their proper chronological place and accumulated as before. A careful examination of the resulting graph failed to show any skewness following the executions, unless it be that there were three homicides on the execution dates, and a slight increase in homicides after the fiftieth day after the events had passed. Table II presents a general view of the distribution before and after executions.

Table II
HOMICIDES BEFORE AND AFTER EXECUTION IN 21 SELECTED CASES

City	Before	After	Total for City
Los Angeles	103	107	210
San Francisco	39	36	75
Portland	6	4	10
Seattle	12	21	33
Totals	160	168	328

The next step in the analysis was to consolidate all these execution curves into one, by placing the 21 executions in the center and setting the homicides off at spaces of 10 days in accumulations. The points established by this process formed the basis for a curve that showed very little variation from a straight line connecting the two ends and passing almost exactly through the point representing dates of the executions. When the line representing the "before executions day" homicides is reversed and projected in the same direction as the "after" period, the two lines become almost coincident. The conclusion seems to be either that the method of measuring is not delicate enough to record any evidence of deterrence resulting from a series of executions, or that capital punishment as now practised has almost no deterrent effect on homicide.

RECENT TRENDS IN MINNESOTA POLITICS¹

CALVIN F. SCHMID

University of Washington

Although the political history of the state of Minnesota has been dominated by the Republican Party, third-party movements have exerted a powerful influence on Minnesota politics. A series of protest movements preceded the development of the Non-Partisan League, which spread its influence into Minnesota politics after its capture of the Republican party in North Dakota in 1916. The Non-Partisan League was the direct source of the Farmer-Labor Party, which won its first important victory in 1922 with the election of Henrik Shipstead over Senator Frank B. Kellogg by 83,000 votes. The following year Magnus Johnson, who had lost the race for governor in 1922 by a narrow margin, was elected as a Farmer-Labor candidate to fill the Senate seat left vacant by the death of Senator Knute Nelson.

The gubernatorial election of 1930 was important for the Farmer-Labor Party, because it marked the beginning of an eight-year period when that party was in control of the governorship and other important state offices. In the elections of 1924, 1926, and 1928 the Farmer-Labor Party had made strong bids for the governorship but had been unsuccessful. In 1930, however, Floyd B. Olson was elected by a majority of 74,461 votes (59.3 per cent of all the votes) and a plurality of 183,626 votes over his closest rival, the Republican candidate Raymond P. Chase. A spirit of protest resulting from the period of economic distress was the main factor in the Farmer-Labor victory of 1930, but the brilliant leadership of Olson was likewise important.

In 1932 Governor Olson was re-elected easily, receiving 50.6 per cent of all the votes. In 1934 the gubernatorial campaign was more intense. The deepening economic depression provided the background for the campaign struggle; the bloody strikes of truck-drivers in Minneapolis and the "radical" platform of the Farmer-Labor Party added to the bitterness of the contest. The result was a more pronounced cleavage among the electorate and the reduction of Governor Olson's plurality in 1934 by approximately 50,000 votes.

¹ The paper of which this is an abstract is part of a chapter of a monographic study now in preparation on *Political Movements in the State of Minnesota*. Grateful acknowledgment is made to the Social Science Research Council for financial assistance in carrying on this project.

The Farmer-Labor Party was overwhelmingly victorious in the 1936 elections, when Elmer A. Benson polled 60.7 per cent of the votes for governor. In the spring primaries of that year, however, although the entire official slate of the party was nominated, internal dissension that had existed for some time within the Farmer-Labor Party became apparent when Magnus Johnson and two other "unofficial" candidates filed for the nomination for governor.

Governor Olson's death on August 22, 1936, was a tragic blow to the Farmer-Labor cause, not only because his leadership had been indispensable, but also because his death precipitated internal conflicts which in 1938 split the Farmer-Labor Party wide open.

The 1936 election was won on a platform far less radical than that of 1934. This platform was a response to political expediency and a bid for the conservative rural votes that were lost in 1934. In the 1936 election only eleven counties out of the 87 gave Benson fewer than 50.0 per cent of the votes, and forty-four counties gave him more than 60.0 per cent. The decisive victory of the Farmer-Labor Party in 1936 was completely reversed two years later. In 1938 Benson polled only 34.2 per cent of the 1,132,876 votes cast, whereas his Republican rival, Harold E. Stassen, polled 678,839 votes, or 59.9 per cent.

Both national and state factors were responsible for the overwhelming defeat of the Farmer-Labor Party in 1938. A deep-running national current increased the number of Republican governors, senators, and congressmen. Within the state, the Farmer-Labor Party was torn by internal revolt when it entered the 1938 campaign. After Benson had received official endorsement of the Farmer-Labor convention in Duluth, Hjalmer Peterson, who as lieutenant governor had succeeded Olson, filed independently for the governorship on the Farmer-Labor ticket and after an intense contest was defeated by Benson by the small margin of 16,030 votes. After the primaries the breach between Benson and Peterson remained unhealed, and many Peterson workers went over to the Republican camp and actively supported Stassen.

Another important issue within the Farmer-Labor Party was the feeling that Communists had too much influence in the councils of the Benson administration. Both the Peterson supporters of Stassen and the Republicans exploited this issue in the campaign. Benson was not accused of being a Communist, but of accepting their support.

The future of the Farmer-Labor Party in Minnesota cannot be predicted with any degree of certainty, but the Farmer-Labor Party is

not as yet dead. It made a strong showing in the mayoralty elections in Minneapolis in 1939, and in the spring of 1940 its labor-endorsed candidate was elected mayor of St. Paul by 3,500 votes. In 1940 Senator Shipstead, the party's strongest vote-getter, is up for re-election. If the Farmer-Labor Party makes another deal with the Democratic Party, as it did in 1936, and receives the backing of the Democrats and of Shipstead, it may again be swept into office. A very vital question is that of leadership which can iron out the intra-party quarreling. At this time it seems that the Farmer-Labor Party will not have an easy road to travel.

MINUTES OF THE BUSINESS SESSIONS OF THE ELEVENTH ANNUAL MEETING OF THE PACIFIC SOCIOLOGICAL SOCIETY

**Held at the State College of Washington, Pullman, and the University
of Idaho, Moscow, on December 27-29, 1939**

**The business session convened at 4:00 P.M. December 28, President
Glenn E. Hoover presiding.**

The minutes were read and approved.

The report of the treasurer was read and accepted.

**Elon H. Moore was asked to report for the Advisory Council. He
presented the Council's recommendation that a telegram be sent to the
American Sociological Society requesting a refund on each membership
from the Pacific Coast area and moved its adoption. The motion was
seconded by George M. Day. Details of the telegram were to be formul-
ated by a committee. (The following telegram was later formulated and
sent:**

**President E. H. Sutherland
American Sociological Society
Philadelphia, Pennsylvania**

**Because of the separation of several thousand miles which makes service of
program participation in society unavailable to the majority of members on
the Pacific Coast, the Pacific Sociological Society requests that at least one
dollar of each membership from the Pacific area be refunded to it to aid in
the development of regional services, such as annual meetings and
publication.**

**The Pacific Sociological Society
Paul H. Landis, Secretary)**

**Doctor Moore then reported on the work of the Committee on the
Census, calling attention to items on mobility in the 1940 schedule,
which represented the attainment of the Committee's major objective.
(See minutes, 1936.)**

**Doctor Moore suggested that the Advisory Council had consid-
ered meeting next year with the Historical Society in Berkeley, pro-
vided the Economists were willing to meet there also. It was moved
and seconded that the meeting be held in that region if arrangements
could be made. Motion passed.**

**The President and the Advisory Council were authorized to decide
the place of meeting within the Bay Region. In this connection Mar-
tin H. Neumeyer extended an invitation to the group to meet at**

the University of Southern California if the above arrangement could not be worked out.

Doctor Moore asked that Carl E. Dent report on the work of the committee appointed to make nominations and work out a policy for publishing the Proceedings of the Pacific Sociological Society. The committee consisted of Elon H. Moore and George M. Day, members of the Advisory Council; Paul H. Landis and Glenn E. Hoover, ex-officio members of the advisory council; and Carl E. Dent and Calvin F. Schmid.

Professor Dent presented the following nominations:

President:	Martin H. Neumeyer, University of Southern California
Vice President—	
Southern Division:	Glen Carlson, University of Redlands
Central Division:	J. V. Berreman, Stanford University
Northern Division:	Robert H. Dann, Oregon State College
Secretary-Treasurer:	Paul H. Landis, State College of Washington
Members of the Advisory Council:	Glenn E. Hoover, Mills College William C. Smith, Linfield College

Marvin Schafer moved that the nominations be closed and that the secretary be instructed to cast a unanimous ballot in favor of their election. Motion carried.

Professor Dent then reported the following recommendations of the Committee: That a committee be set up to make inquiry concerning the possibilities of publishing the proceedings by one of the three following methods, preferably through some press connected with an educational institution in the region: first, and preferably, the publication of the proceedings in a regular college or university series; second, printing the publication as an independent publication; and third, mimeographing the publication independently.

The following persons were appointed for this committee (it was made clear that the committee membership was selected to represent all schools in the region which had presses):

Calvin F. Schmid—Acting Chairman
Elon H. Moore
Martin H. Neumeyer
Charles N. Reynolds
Carl E. Dent

The committee was empowered to act within the following limitations: that the Society subsidize publication to the extent of \$100, that

the publication, if printed, be kept within the limit of 30,000 words, and if mimeographed, within the limit of 40,000 words, that at least 150 copies be printed, and that after the publisher is selected the committee representative from the institution where the press is located will automatically become editor of the *Proceedings*. It was moved by Forrest E. LaViolette that the policy outlined should be followed and that the committee nominated should assume full responsibility. The motion was seconded by Doctor Schafer. Motion carried.

In the general discussion which followed, Forrest E. LaViolette asked whether authors of papers given before the Society would be free to publish elsewhere. Doctor Moore suggested that all papers should appear in the *Proceedings* if one is published but that there would be no objection to a paper being published elsewhere. Calvin F. Schmid expressed the opinion that there could be no compulsion. The matter was left undecided.

Doctor Moore moved that the secretary be authorized to express the appreciation of the Society to the State College of Washington and the University of Idaho for the courtesy received and to the local members of the Society who had made the stay of visiting members pleasant. The motion was seconded and passed.

Meeting adjourned at 4:45 P. M.

Paul H. Landis, Secretary.

REPORT OF THE TREASURER, 1939

The membership of the Society dropped somewhat during the current year. In fact, it is now lower than during the two preceding years. Institutional memberships have increased. During 1937 eighty-six members paid dues; during 1938, ninety-three; during 1939, seventy-six. Institutional memberships were instituted in 1937. In 1937 there were no institutional memberships; in 1938, two; and in 1939, seven.

Net collections are higher than during previous years. In 1937 the net receipts of the Society totaled \$152.67; in 1938, \$165.49; in 1939, \$189.87.

A detailed summary of receipts and disbursements follows.

¹ Exclusive of amounts collected for subscriptions to *Sociology and Social Research*.

Receipts as of December 1, 1939

Cash on hand, December 1, 1938	\$ 35.87
76 Individual memberships	114 00
7 Institutional memberships	40 00
17 Subscriptions to <i>Sociology and Social Research</i>	34.00
<hr/>	
Total Receipts	223.87
Net Receipts [*]	189.87

Disbursements as of December 1, 1939

17 Journal subscriptions	\$ 34 00
Publication of Proceedings, <i>Sociology and Social Research</i>	100 00
Telegraph charges, to Samuel Jameson	3.40
Name stamp, to First National Bank, Pullman	1 22
Envelopes and stationery, State College of Washington	8.50
Postage (J. V. Berreman—\$2.08; State College of Washington—\$5.48)	7.56
Programs (500) and envelopes (500), The Hallcrafters, Pullman	11 78
<hr/>	
Total Disbursements	166 46

Balance on hand December 1, 1939	57 41
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Paul H. Landis, Treasurer

MEMORANDUM CONCERNING THE PUBLICATION
of the
PROCEEDINGS OF THE PACIFIC SOCIOLOGICAL SOCIETY
by the
STATE COLLEGE OF WASHINGTON

The State College of Washington agrees to print a separate issue of *Research Studies of the State College of Washington* devoted to selections from the annual proceedings of the Pacific Sociological Society. The *Proceedings* will carry the imprint of the State College of Washington, and also of *Research Studies of the State College of Washington*. The quality of paper, cover, stapling, size, type of workmanship will be the same as for the regular numbers of *Research Studies*. The *Proceedings* will be printed according to the following specifications:

Straight matter. 10-point face on 12-point slug
Reduction in text: 8-point face on 10-point slug
Footnotes 8-point face on 8-point slug.
Size of type page. 26 ems x 42 ems.
Size of finished page: 7" x 10".

^{*} Excludes subscriptions to *Sociology and Social Research*.

The Pacific Sociological Society agrees to contribute one hundred (\$100.00) dollars each year to the cost of publishing the *Proceedings*. The State College of Washington agrees to pay the balance of the cost of publication, its share not to exceed one-hundred-and-sixty (\$160.00) dollars. On the basis of present general costs of printing, this will permit an issue of eighty (80) pages according to specifications given above; this will comprise at least 30,000 words besides the title page, table of contents, and other incidental pages. In case it should become necessary for the Society to reduce its contribution, the State College of Washington agrees to assume financial responsibility at the ratio of 3 to 2. If the Society should desire more space, the State College will furnish additional pages at cost. The cost, of course, will vary according to the type of material, e.g., straight copy, tables, charts, etc.

The State College of Washington will turn over to the Editor of the *Proceedings* 125 copies of each issue of the *Proceedings*; and as many extra copies as are available in addition to the 125 can be obtained by the Society on payment to the State College of 50 cents per copy, as long as the issue is not expanded beyond 80 pages. If expanded, the cost will be proportionate to the increase in the number of pages. On extra copies ordered before publication, there will be a discount of 25 per cent from prices just quoted. The State College will furnish without charge 25 prints to each contributor. Additional copies may be purchased by contributors at cost if ordered before publication. If a more durable cover is desired for copies of the *Proceedings* sent to members of the Society, this can be furnished at small cost. The State College agrees to distribute without cost to the Society 850 copies of the *Proceedings* to the regular mailing list of *Research Studies*, which includes exchanges, libraries, etc.

The Editor of the *Proceedings* will be elected by the Society from among the faculty of the Department of Sociology of the State College of Washington. Advisory editors will also be elected by the Society. In order to maintain the *Proceedings* on a high level of scholarship, the Editor and his advisors will have the right to edit, revise, or abstract as may be deemed desirable each and all papers submitted for publication in the *Proceedings*. The Editorial Board of *Research Studies of the State College of Washington* reserves the right to reject any papers or portions of papers which it feels do not meet the standards of that publication.

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RESEARCH STUDIES

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RESEARCH STUDIES of the STATE COLLEGE OF WASHINGTON

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TWO SCRIBAL ERRORS IN *GUY OF WARWICK*

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Max Weyrauch has pointed out that a number of characters who appear in the Middle English texts of *Guy of Warwiche* owe not only their names but their very existence to scribal errors. Thus, in the Cambridge MS, the "kyng of Charturs,"¹ not mentioned elsewhere, is indebted for his exalted presence to a mistranslation of the Old French "Roes de charettes," or "cart wheels."² Again, in the Auchinleck MS, the name "Auþer,"³ applied to a Saracen knight, seems to have come about through a misreading of French *autre*.⁴ There are two personages of equal importance, however—Baron Gryffon in the Copland Print, and "þemperour" Garioun in the Auchinleck MS—who appear to have been overlooked.

The name "Gryffon" occurs in a speech made before the Emperor Ernis by his constable, Tristor or Elester. In the Copland Print, the constable urges the emperor not to dispatch an ambassador with a message of defiance to the Saracens lest he be killed, as was another envoy, Gryffon.

Thinkest thou not on thy cosyn, Gryffon
That was thyne owne bolde baron,
That thou sentest thither, certayne?"

Baron Gryffon is not spoken of in the other poems, although in the Auchinleck MS Sir Tristor reminds Ernis of the fate of a certain baron whom he does not name.

No þenkestow nouȝt of þat baroun
Þat was of so gret renoun,
Hou þou sendest him to?
Oȝain no come he neuer mo."

¹ Cambridge MS, ed Julius Zupitza, *EETS*, XXV-XXVI (1875-76), v 3383.

² See Max Weyrauch, *Die mittelenenglischen Fassungen der Sage von Guy of Warwiche und ihre altfranzösische Vorlage* (Breslau, 1901), p 41.

³ Auchinleck MS, ed Zupitza, *EETS*, XLII, XLIX, LIX (1883, 1887, 1891), v 3501.

⁴ See Weyrauch, *op cit*, p 9.

⁵ Ed Gustav Schleich, *Palaestra*, CXXXIX (1923), vv 3601-03.

⁶ *Ed cit*, vv 3795-98.

A plausible explanation of Baron Gryffon's name, however, is to be found in the London MS in Old French:

Dune vus sovent des set baruns
De Grece, des plus nobles Griffuns,
Qui vus en message i enveastes
Al soldan, mar le vus pensastes?

This speech by Tristor may be translated as follows: "Do you not remember the seven barons of Greece, the noblest of the Greeks, whom you sent as messengers to the sultan? In an evil hour you thought of such a thing." It seems certain that the word "Griffuns" in this passage means "Greeks"⁸ and is not to be taken as the name of a former envoy, as in the English poem. In fact, "Griffun" meaning "Greek" is a well-established substantive not only in Old French but also in Middle English, being found chiefly in the romances.⁹ Thus it seems likely that the appearance of Baron Gryffon is to be ascribed to ignorance of this rather common word on the part of a scribe—perhaps the translator of the original French—in some way responsible for the version of the story represented in the Copland Print.

The second character, "pemperour" Garioun, is mentioned in the audacious challenge which, according to the Auchinleck MS, Guy of Warwick hurls into the face of the sultan who is besieging Constantinople. The episode of Guy's mission to the Saracens follows immediately after Tristor's speech to Ernys discussed above. Guy, standing before the sultan and ten of his vassal kings, states contemptuously:

3905 Vnder-stond, treitour, mi resoun.
Haue pou Cristes malisoun,
& alle pilke forþ mitt te,
þat ich her about þe se.
þe heye god þat is ful of miȝt
3910 Binim ȝou ȝour limes & ȝour siȝt!
Bi me þe sent word pemperour Garioun,
þat miȝti men haþ in his bandoun,
purch wham þou art y-brought to schond,

⁸ Ed. Alfred Ewert, *Les Classiques français du Moyen Age*, LXXIV-LXXV (1932-33), vv 3789-92.

⁹ See Professor Ewert's glossary, *s. v.* Griffun. Also, see Godefroy, *Dictionnaire de l'ancienne langue française*, Nouveau Tirage (Paris, 1937-38), *s. v.* griffon.

⁹ See *Oxford English Dictionary*, *s. v.* griffon. The word is said to be related to ME *grin* or *grew*, derived from Latin *Graecus*. "Griffouns" meaning "Greeks" occurs in the Auchinleck MS of *Guy of Warwick*, v 3028, although the form more commonly used is "Gregeys," Auchinleck, v. 3546. In the Cambridge MS, the forms "Gregea" (v 3349), "Gregeyse" (v. 3381), "Gregeyes" (v. 3602), "Gregeys" (v. 4046), and "Gregyows" (v. 7927) occur.

& hoteþ þe wende out of his lond,
3915 For here has tow no right."

"Understand my message, traitor! May you and all those whom I see here about you have Christ's curse. May the high God who is full of power take away your limbs and your sight! The Emperor Garioun sent word to you by me that he has mighty men at his disposal through whom you are to be brought to disgrace; and he calls upon you to leave his soil, for you have no right here."

In the corresponding passages of the other poems, Guy speaks of himself as the representative of an emperor whom he does not name,¹¹ but, in the light of the preceding events, there can be no question that the Emperor Ernis of Constantinople is meant. Moreover, Garioun does not appear elsewhere in the Auchinleck poem, nor is his name mentioned in any other text. It would seem, then, that Garioun is an error.

The Caius MS, which differs somewhat from the Auchinleck, Cambridge, and London MSS at this point, offers a possible explanation for the name:

- 1 Vnderstonde, traitour, to my reeson.
- 2 I am the Emperours garson,
- 3 That by me hath sent his sonde,
- 4 And biddeth the to goo oute of his londe "

Although Garioun does not appear here, it is obvious that this passage is otherwise very close to the Auchinleck passage. That is to say, v. 1 of the Caius MS is the same as Auchinleck, v. 3905, whereas Caius, v. 4, corresponds to Auchinleck, v. 3914. Moreover, vv. 2 and 3 may be said to express the same thought as the single line, Auchinleck, v. 3911: "Bi me þe sent word þemperour Garioun." The only variation, in fact, is that the emperor who is not given a name in the Caius MS is called Garioun in the Auchinleck poem.

The close similarity between the name Garioun, which appears nowhere else, and "garson" or "boy," in Caius, v. 2, as well as the fact that vv. 1 and 4 correspond to certain lines in the Auchinleck MS, suggest that "Garioun" may have come about as a scribal error for "garson." Such a mistake would involve no more than the misreading of an

¹¹ Auchinleck MS, *ed. cit.*, vv. 3905-15.

¹² The Cambridge MS, for example, reads as follows (v. 3659):

Thys worde sendyth þe the emperowre.

¹³ Ed. Zupitza, *EETS*, XLII, XLIX, LIX (1883, 1887, 1891), vv. 3905 ff. The Caius MS is printed on parallel pages with the Auchinleck.

s for an i on the part of a scribe who was either ignorant of French, or extremely careless. It has been well established that the Auchinleck and Caius poems are closely related—that they stem from the same version of the French original through Middle English translations now lost.¹⁸ The passages discussed here bear out this close relationship despite the omission in the Caius poem of seven lines (vv. 3906-10; 3912-13) which occur in the Auchinleck. The important difference between the two lies in the fact that the probable reading *garçon* in the original French remains "garson" in the Caius MS, whereas in the Auchinleck MS it is misread as a proper name, "Garioun."

It is plain that the Copland and Auchinleck passages discussed here are alike in that they both contain names not appearing in the other *Guy of Warwick* romances, and that the occurrence of these names can be explained as misunderstandings of earlier readings, or mistranslations of the French. Of course, Baron Gryffon and Emperor Garioun are but two out of the large number of characters with apocryphal names whose presence tends to confuse the narrative in the Middle English romances about Guy of Warwick. The explanations advanced here of two inconsistencies in the English versions of *Guy of Warwick*, besides being interesting in themselves, add to the concrete evidence of the ignorance or carelessness of the scribes who committed to writing one of the most important of all mediaeval stories.

¹⁸ See Weyrauch, *op. cit.*, p. 19.

PIONEER SOCIAL ADAPTATION IN NORTHEASTERN WASHINGTON, 1885-1910

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METHOD OF STUDY

This study of pioneer social adaptation in northeastern Washington is a companion study to a similar one made of the Palouse Country of eastern Washington and published in 1938.¹ The procedure followed in getting the data for the present study was the same as that employed in the earlier one. Fifty pioneer men and women who had settled in the region between 1885 and 1910 were interviewed during the summer of 1939 and asked to give information concerning early pioneer life in the region.² This method of study—a combination of case and participant-observer methods—was followed chiefly by the author in his investigations of Japanese rural communities for the Laymen's Foreign Missions Inquiry with reasonably good results.³ The method is believed to be a valid, scientific procedure for this type of sociological investigation.⁴

Though the period of pioneering covered in this study is from 1885 to 1910, it must be understood that 1885 was not the exact year of the beginning, nor 1910 the exact year of the close of the strictly pioneer

¹ See article by writer, "Pioneer Social Adaptation in the Palouse Country of Eastern Washington, 1870-90," *Research Studies of the State College of Washington*, VI (1938), pp. 131-59.

² Pioneers interviewed and furnishing the writer information were: Mr. Fred Wolf, Mr. and Mrs. D. M. Edens, Mr. and Mrs. Fred Johnston, Newport; Mr. and Mrs. Ole Davenport, Dalkena, Mr. and Mrs. W. C. Jared, Usk; Mrs. Fred Metcalf, Mrs. W. I. Fountain, Mrs. Fred Cusick, Mrs. Mary Larl, Locke; Mrs. L. Sullivan, Mrs. Lydia Ziegler, Mr. and Mrs. Hamp Winchester, Cusick; Mr. Tom Graham, Mr. John Walsh, Mr. Albert Ham, Mr. H. A. Ham, Mr. W. L. Sax, Mr. and Mrs. James Chase, Mr. J. S. Mires, Mr. C. R. MacMillan, Colville; Mrs. E. V. M. Kagle, Kettle Falls; Mrs. Anna McKee, Mr. C. E. Waterhouse, Mr. G. M. Waterhouse, Mr. B. F. Wheeler, Mr. and Mrs. W. W. Bowlyby, Mr. and Mrs. George Panes, Mr. and Mrs. J. W. Bowlyby, Mr. Paddy Millet, Mrs. John Brinson, Republic; Mrs. F. W. Massie, Curlew; Mr. Ed Newman, Tonasket; Mr. and Mrs. J. E. Pogue, Mrs. Virginia Herrmann, Okanogan; Mr. and Mrs. R. C. Garrett, Mr. George Rader, Mr. and Mrs. P. N. Miller, Winthrop; Mr. P. L. Filer, Twisp.

³ See author's article, "Rural Missions in Relation to Their Economic and Sociological Background," *Fact Finders' Reports, Japan* (New York, 1933), VI, pp. 49-100.

⁴ For scientific validity of this method of study in the social sciences, see L. L. Bernard, *The Fields and Methods of Sociology* (New York, 1934), Part II, Chaps. II, VI, VIII; George Lundberg, *Social Research* (New York, 1929), Chaps. VII and VIII; and Stuart Rice, Ed., *Methods in Social Science* (Chicago, 1931), pp. 95-108, 248-65, 307-50, 353-67.

period in the region. A few communities were settled considerably before 1885, and a few after 1910. Also, the various communities settled between 1885 and 1910 were not settled at exactly the same time. Some were settled in the late '80's and the early '90's, whereas others were not settled until the late '90's and after the turn of the century.

Points of inquiry taken up with each of the fifty settlers were: reasons for coming to the area, early contacts with the Indians, getting the land, farming, trading and markets, credit facilities, transportation and communication, building homes, neighborhood life, schools, churches and religious activities, health and medical facilities, recreation, and the maintenance of law and order. Though the data received from the fifty interviews constitute the basic materials of the article, supplementary information about the natural conditions and historic development of the region has been supplied from various secondary sources as cited in the footnotes.

PIONEER LIFE AS SOCIAL ADAPTATION

Though frontier societies have been studied from several points of view, this study, as well as the former study on pioneer life in the Palouse Country, has been made from the point of view of social process—the unconscious, unplanned, adaptive growth of pioneer communities.⁵ The sociological development of these communities, it seems to the writer, can best be interpreted as a series of social adaptations. When pioneers enter a new region, they begin to adapt their folkways and institutions to the natural, racial, technical, and cultural environment of the new region.⁶ Pioneer communities, therefore, are in a state of flux for some time after they are settled. They are dynamic, changing, becoming.⁷ The old folkways and institutions brought to the new region interact with the various factors in the new environment and are thereby modified. No theory of a unilinear social development through a uniform series of inevitable stages, as was held by some of

⁵ For social-process approach to sociology, see A. W. Small, *General Sociology* (Chicago, 1905); C. H. Cooley, *Social Process* (New York, 1918); E. A. Ross, *Principles of Sociology*, 3rd ed. (New York, 1938); C. M. Case, *Social Process and Human Progress* (New York, 1931); C. A. Ellwood, *The Psychology of Human Society* (New York, 1925); and for critical evaluations of this approach, see papers by various writers, *Publication of the American Sociological Society* (Chicago, 1932), XXVI, pp. 1-61.

⁶ See A. G. Keller, *Societal Evolution*, Rev. Ed. (New York, 1931), Chap. X; and J. G. Leyburn, *Frontier Folkways* (New Haven, 1935).

⁷ For emphasis of the dynamic character of social process, see article by Max Lerner, "Social Process," *Encyclopaedia of the Social Sciences* (New York, 1931), XIV, 148-51.

the earlier writers on social evolution, is proposed or applied in connection with these studies of pioneer communities.⁸ The concepts of interaction and adaptation—the basic elements in social process—seem to the writer to be most adequate for the interpretation of the social development of pioneer communities.⁹

THE AREA OF THE STUDY

The region in which the fifty pioneers interviewed in this study live embraces the four counties of northeastern Washington—Pend Oreille, Stevens, Ferry, and Okanogan. It contains approximately 11,307 square miles of territory and is about 150 miles long and 75 miles wide.¹⁰ The region is hilly and mountainous, but is interspersed with valleys and plains. Though most of the eastern half of the region was originally covered with timber, much of the western half was nonforested and some of it is arid. The geographers of the Bureau of Agricultural Economics of the United States Department of Agriculture have classified the land of the western half of the region as "rough forest lands interspersed with naturally nonforested grazing or farming land," and that of the eastern half as "rough forest lands."¹¹ The great Columbia River crosses the region from north to south and forms the southern boundary for approximately a hundred miles, and the Pend Oreille River, one of the main branches which form the Columbia, crosses the region from south to north in the extreme eastern half. The region has many lakes, small rivers, and creeks. The original marketable timber of the forested parts of the area consisted chiefly of yellow pine, tamarack, fir, and cedar.¹² Rainfall in the region varies from 8 to 40

⁸ For a critical estimate of the unilinear stages theory of social evolution, see article by A. Goldenweiser, "Evolution, Social," *Encyclopaedia of the Social Sciences* (New York, 1931), V, 656-62; Franz Boas, *The Mind of Primitive Man* (New York 1901), Chap. VII, and R. H. Lowie, *Primitive Society* (New York, 1920), Chaps. I and XV.

⁹ In later years there has been a tendency among some sociological writers to associate closely the terms "interaction" and "social process," or to use them almost interchangeably. See R. E. Park and E. W. Burgess, *Introduction to the Science of Sociology* (Chicago, 1921), Chap. VI; F. E. Lumley, *Principles of Sociology*, 2nd ed., (New York, 1935), Part II; E. B. Reuter and C. W. Hart, *Introduction to Sociology* (New York, 1933), Chap. X; R. L. Sutherland and J. L. Woodward, *Introductory Sociology* (Philadelphia, 1937), Part V.

¹⁰ *Abstract with Supplement for Washington*, 13th Census (1910), pp. 571, 596, 598, 600.

¹¹ Map, "Natural Land-Use Areas in the United States," Bureau of Agricultural Economics, U. S. Department of Agriculture (1933).

¹² *History of North Washington* (Spokane, 1904), p. 100.

inches.¹³ The nonforested plains and hills were originally covered with native bunch grass, except in spots where the rainfall is too low to produce grass. The valleys and the bench lands lying between the valleys and the hills and mountains are very fertile, and where rainfall is sufficient, produce good crops and grasses. Like most of the high plateau region lying between the Rocky and the Cascade mountains, it has a climate that is dry and, in the summer, relatively cool. Although winters are usually not severe, the thermometer occasionally registers 20 and 30 below zero.

The region also has considerable mineral resources, especially in Stevens and Ferry counties.¹⁴ In fact, the first migrations of white men to the area were for the purpose of mining.

THE ORIGINAL CULTURE OF THE AREA

Before the coming of white men to the area, it was inhabited by eight Indian tribes living wholly or partly in the territory—the Kalispel, the Colville, the Spokane, the San Poil, the Nespelem, the Southern Okanogan, the Northern Okanogan, and the Methow tribes.¹⁵ The total number of Indians living in the region when white settlers began to enter it soon after 1800 is not known. The number a century later was about 2,500, and has remained approximately the same for the last forty years.¹⁶ These different tribes belonged to the same basic racial stock. Their culture was essentially alike and was a part of a larger culture extending over a wide area between the Rocky and the Cascade mountains and called by American anthropologists the Plateau Area.¹⁷

The culture of these tribes has been described in several monographs.¹⁸ They were chiefly hunters and fishermen. Their food supply consisted largely of fish, deer, buffalo, camas, and berries. Their tools were the digging stick, fish spears, fish hooks, traps, nets, knives, lances, and scrapers. They used bark and dug-out canoes. They lived

¹³ Map, "Average Annual Precipitation—Washington," Department of Farm Management and Agricultural Economics, State College of Washington

¹⁴ C. E. Weaver, *The Mineral Resources of Stevens County* (Olympia, Wash., 1920), Washington Geological Survey, Bul. 20; Howland Bancroft, *The Ore Deposits of Northeastern Washington* (Washington, D. C., 1914), U. S. Geological Survey, Bul. 550.

¹⁵ Leslie Spier, *Tribal Distribution in Washington* (Menasha, Wis., 1936).

¹⁶ *Abstract with Supplement for Washington*, 13th Census (1910), p. 593, and *Population*, III, Part 2, 15th Census (1930), p. 1231

¹⁷ Clark Wissler, *The American Indian*, 3rd ed. (New York, 1938), pp. 224-27.

¹⁸ J. A. Telt, *The Salishan Tribes of the Western Plateaus*, edited by Franz Boas (Washington, 1930), pp. 198-294; Leslie Spier, *The Sinkaieth of Southern Okanogan* (Menasha, Wis., 1938).

in both tepees and earth lodges, and dressed chiefly in skins. They made excellent baskets. They had many horses and traveled widely over the region and beyond for hunting and fishing. The local bands were bound loosely together in tribes. Their social organization was very meager, and this no doubt accounts for the weak opposition to the whites when the latter first entered the region and began to appropriate its resources.

As soon as the white settlers entered the region, the Indians and the whites began to make adaptations to one another, as is always the situation when two peoples with different cultures come into contact.¹⁹ It was a process of acculturation which affected both races. All through the region the two races communicated with one another through a mixed language or jargon known as "Chinook."²⁰ The white settlers at first made use of the Indians' fishing culture, horses, trails, blankets, baskets, skins, and boats. The Indians also began to adopt the various phases of the white man's culture, including dress, housing, food, tools, and religion.²¹

HISTORICAL BACKGROUND

White men began to trickle into the region soon after the Lewis and Clark expedition of 1804-06. At first they were chiefly explorers, trappers, and hunters.²² More substantial settlements were made at several points in the region after the Hudson's Bay Company took over trading posts and forts in 1821, particularly at Fort Colville and Fort Okanogan.²³ In 1826 the Company began to develop its famous trading post at Fort Colville, on the site of the present village of Marcus, where the Colville River flows into the Columbia. This trading post became the great distributing and collecting center of the Company for the Upper Columbia River and its headwater tributaries in what is now part of British Columbia, Washington, Idaho, and Montana. About this post

¹⁹ For an excellent statement of acculturation processes, see Ralph Linton, *Acculturation in Seven American Indian Tribes* (New York, 1940), Chaps. VIII, IX, X.

²⁰ George Bryce, *The Remarkable History of the Hudson's Bay Company* (London, 1900), pp. 409-10.

²¹ For first-hand accounts of early relations between whites and Indians and resulting acculturation in the region, see interviews with early settlers in *Told by Pioneers* (Olympia, Wash., 1937-38), I, pp. 87-88, 114-19, 144-46, 190; II, pp. 16-20, 197-200; III, pp. 65-67; and Guy Waring, *My Pioneer Past* (Boston, 1936).

²² *History of North Washington* (Spokane, 1904), pp. 65-85; Ruby L. Dingee, *Historical Sketches of Pend Oreille County* (Newport, Wash., 1930), pp. 10-15.

²³ *History of North Washington* (Spokane, 1904), p. 68; *Told by Pioneers*, I, pp. 114-15, pp. 146-47 (Olympia, Wash., 1937).

and in the vicinity gathered a heterogeneous group of white men, Indians, and half-breeds, many of them regularly or intermittently in the employment of the Company. In addition to the trade with the Indians, the post carried on extensive agriculture and livestock raising. Most of the cereals, vegetables, and fruits grown in temperate zones were introduced. The post became a distributing point for agricultural seeds, practices, and domestic animals in the region.³⁴

About 1838 Catholic priests entered the region, first in response to the French Canadians in the employment of the Hudson's Bay Company, and later to establish missions for religious work among the Indians. Missions were established at several points in the region between 1840 and 1860.³⁵ From 1850 to 1860 there was a rush of placer gold miners into many parts of what is now called the Inland Empire, and mining operations were carried on at various points in this region.³⁶ Traders, trappers, priests, and miners were followed by a few agricultural settlers.³⁷ As these settlers took up permanent residence in the region, particularly in the Colville Valley, the United States Army established a fort at Pinkney City, three miles northeast of the present town of Colville. Troops were kept at this fort for the protection of the widely scattered settlers in the region until 1882, when they were withdrawn.³⁸

As settlers pushed into the different parts of the region, lands were set aside for entry, surveys made, homesteads taken up, and communities developed.³⁹ As the settlers increased in numbers in different parts of the region new counties were created. The original county was Stevens, which at one time embraced all the region, and was organized in 1860. The next county formed was Okanogan, in 1888. Ferry and Pend Oreille counties were established in 1899 and 1911, respectively.⁴⁰

PERMANENT AGRICULTURAL SETTLEMENT

In the summer of 1893 Frederick Jackson Turner delivered his epoch-making address, "The Significance of the Frontier in American

³⁴ For excellent description of Fort Colville trading post under Hudson's Bay Company, see article by J. O. Oliphant, "Old Fort Colville," *Washington Historical Quarterly*, XVI, pp. 29-48, 83-101.

³⁵ *History of North Washington* (Spokane, 1904) pp. 69-70.

³⁶ *Ibid.*, pp. 113-17, 429-39, 513-27.

³⁷ *Ibid.*, p. 70.

³⁸ *Ibid.*, pp. 71, 129.

³⁹ *Ibid.*, pp. 85-112, 403-12, 485-98.

⁴⁰ E. S. Meany, *History of the State of Washington* (New York, 1924), pp. 365-67.

History," and dramatically called attention to what he thought was "the closing of a great historic movement" in American History.³¹ As seen from the figures on population and farms³² given below, however, it was in the two decades between 1890 and 1910 that this region of northeastern Washington had its great agricultural expansion:

<i>Year</i>	<i>Population</i>	<i>Number of Farms</i>
1890	5,808	770
1900	19,794	1,700
1910	42,786	5,959

This growth of population and of the number of farms in the region between 1890 and 1910 shows that a westward movement was still in progress toward northeastern Washington in the first decade of the century.

As successive strips of territory in the region were thrown open for mining claims and agricultural homesteads, there was a wild scramble among land-hungry settlers to get a last piece of free land. Long before the lands had been officially opened for settlement, keen-eyed miners and land seekers had tramped over practically every acre, spied out their favored spots, and even encamped on the land. The mad rush for the land was almost equal to the rush to the famous Cherokee strip in Oklahoma. In the rushes there were from two to five claimants for each piece of land.³³

REASONS FOR COMING

The interviews with the fifty pioneers show that the great majority of them came to the region to make economic adjustments. The period of extensive agricultural settlement of the region—1885 to 1910—was the time of the last expansion of American agriculture to virgin frontier area, and one of the last opportunities to get a free homestead.³⁴ Asked why they came to the region, settlers gave the following typical answers: "We came to find land and a home; we thought there would be a better chance for us to get started out here." "I came to find a place

³¹ This address is published as Chap. I in his essays, *The Frontier in American History* (New York, 1920).

³² Compiled from reports of the 11th, 12th, and 13th Census (1890, 1900, and 1910).

³³ *History of North Washington* (Spokane, 1904), pp. 110-12, 406-07, 410-11.

³⁴ F. L. Paxson, *History of the American Frontier 1763-1893* (Boston, 1924), Chap. LVII; B. H. Hubbard, *A History of the Public Land Policies* (New York, 1924), Chap. XVIII.

where land didn't cost so much." "I heard a fellow could still take a homestead out here and I thought I might get a start." "Father wanted to go to some new country to get land; a friend wrote and told him what a rosy country this was, and so we came out." "I read in a bulletin of the Great Northern Railroad that things were good out here; so we came to escape the hard times in the East." "Poor people couldn't get land in Sweden; so we left and came here, where we heard anybody could get a piece of land." "I came up this way looking for gold when I was a lad, and I thought this was the finest-looking grass country I ever saw; so when I got ready to settle down I came back here to raise stock." "I always wanted to raise good horses, and when I saw the bunch grass on these benches and hills, I was sure I wanted to settle here."

A few of the settlers, however, had other reasons for coming than economic adjustment: "Dad and I came to hunt, trap, and fish, and I just stayed." "My health was failing, and I thought I might get better out here." "My husband came West for his health, and then later he took up this homestead." "I was just a young fellow out to see the country, and I found I could get a farm out here." "I first came here as a prospector and then I homesteaded." "In Kansas I had the hay fever very bad; so I came out here to get away from the goldenrod and rag-weed." "I came here and logged and worked in the timber twenty-five years, and when it gave out, I bought this little farm."

AGRICULTURAL PRODUCTION

The most obvious adjustment that agriculturists going into any region must make is in respect to the soil, climate, fauna, and flora.²⁵ The first task of the settlers in this region was to find out what they could produce and to adapt their farming practices to the natural conditions of soil and climate and to market facilities. Except in the better valleys the land was "spotted," alternately good and poor. Where the land was timbered, the trees and brush had to be cleared off. Throughout the region livestock farming was the safest to follow and became the most important source of farm income. Everywhere there was a vast range with streams and lakes for watering. Livestock could be driven out on foot to the markets at little cost.

The next most profitable type of farming was found to be in the small grains. Almost every pioneer farmer raised wheat, oats, barley

²⁵ Jean Brunhes, *Human Geography* (New York, 1920), Chap. IV.

and rye. Though several of the valleys in the western part of the region have lately become areas of commercial fruit production under irrigation, this type of farming was not extensively developed until after 1910.⁸⁶ One settler, who had come from Tennessee, remarked that the first thing he had to learn when he settled on his farm was that it frosted in his little valley twelve months in the year.

An important auxiliary industry for many of the settlers in the eastern half of the region was lumbering. In the wooded and semi-wooded sections much of the land was homesteaded chiefly because of the timber on it. This timber was an important source of income to many settlers, and when it had been cut and sold, they could no longer make a living on their farms and were compelled to sell or abandon their homesteads. According to reports furnished the writer by a number of settlers, there seems to have been a sort of succession of timber exploitation in the eastern half of the region that ran somewhat as follows: First, the settlers cut or sold the good marketable timber on their homesteads. Second, they disposed of the second-grade timber that could be made into lumber. Third, they turned to the cutting of poles and wood for fuel. Fourth, they supplemented their income by working as laborers part-time in the big sawmills. Fifth, with the big sawmills closing down after all the marketable timber had been cut, many of the settlers dependent on these mills for a part of their income had to leave their farms.

In one long, narrow, shoe-string valley, the writer counted twenty abandoned homestead cabins. Within the last few years the Resettlement Administration and Farm Security Administration have removed about 150 families from some of the poorest areas of the eastern part of the region.⁸⁷

Agricultural economists and rural sociologists have in the last decade given a great deal of attention to the relationship between farm standards of living and the natural productivity of the soil.⁸⁸ In rough-

⁸⁶Bulletin, "Irrigation of Agricultural Lands—Washington," 15th Census (1930), pp 5, 6, 10, 11, 12.

⁸⁷C. E. Johnson, "Fiscal Effects of the Northeastern Scattered Settlers Project (LA-WA-2) on Local Governmental Units," Farm Security Administration (Portland, Ore, 1937), typed.

⁸⁸C. C. Taylor, *Rural Sociology*, Rev. Ed. (New York, 1933), Chaps. VI, VIII, and IX; J. A. Kolb and E. deS. Brunner, *A Study of Rural Society*, Rev. Ed. (Boston, 1940), Chap. XVI; J. M. Gillette, *Rural Sociology*, 3rd ed. (New York, 1936), Chaps. VI, XXXII; C. C. Taylor, H. W. Wheeler, and E. L. Kirkpatrick, *Disadvantaged Classes in American Agriculture* (Washington, 1938); Bert Asch and A. R. Mangus, *Farmers on Relief and Rehabilitation* (Washington, 1937);

ly comparing the standard of living of pioneers in this northeastern Washington region with the standard of living of pioneers in the Palouse Country, which is an area of unusually good soil, the author was impressed with the difference in the two regions and the superiority of the standard of living of the Palouse Country pioneers. In the fertile Palouse Country all the pioneers had been able to replace their original cabins by good, substantial farm homes, and at least half of them had been able to retire by the time they were 65 or 70—many of them to towns and villages in the Palouse Country, and others to large cities in the Pacific Northwest. But in striking contrast, many of the pioneers in the northeastern Washington region are still living in their original log cabins, which they built at the time they settled on their farms thirty and forty years ago, and very few of them have accumulated enough wealth to retire from farming. Students of standards of living have long pointed out that housing is one of the best indices of the standard of living of a family.³⁹ Measured in terms of housing, the economic level of many of the pioneer families of this region has never been very high.

The much greater prosperity of the Palouse Country pioneers as compared with the economic conditions of the pioneers of this northeastern Washington region may also be partly inferred from the average value of farms in the two regions. Whereas the average value of farms in 1910 in the Palouse Country (Whitman County) was \$21,756, it was only \$6,163 in the northeastern Washington region.⁴⁰ One tired old pioneer who was pitching hay in a little field while being interviewed by the writer summarized the situation for himself and perhaps for a good many other pioneers in the region in the following words. "The only way a fellow can get along and keep up in this country is to work hard all his life and live on a little."

CREDIT

The new frontier communities in the United States have always

R S Keper and H. S. Stewart, *Farming Hazards in the Drought Area* (Washington, 1938)

³⁹ F H Streightoff, *The Standard of Living among the Industrial People of America* (Boston, 1911), Chaps I, V; T. S. McMahon, *Social and Economic Standards of Living* (New York, 1925), Chaps. X, XI; P. A. Sorokin and C. C. Zimmerman, *Principles of Rural-Urban Sociology* (New York, 1929), Chap. III; E. L. Kirkpatrick, *The Farmers' Standard of Living* (New York, 1928), Chaps. III, VII, and XI.

⁴⁰ *Abstract with Supplement for Washington, 13th Census (1910)*, pp. 267-69.

been capital-deficit areas.⁴¹ Most of the settlers have been poor, arriving at their new homes with little money, and have had to become debtors to get started in their farming operations. Loanable funds are always scarce in new regions. Therefore, debtor-creditor adjustments have been made through high rates of interest. The settlers in the region who had borrowed money in the early days reported interest rates ranging from 10 to 24 per cent. Several pioneers stated that the usual rate of interest paid on borrowed money in their communities in the first few years of settlement was two per cent a month, or 24 per cent a year. The chief sources of money credit were private individuals and agents of eastern banking institutions. Stores in the region seem not to have extended much credit. In the twenty-five-year period covered by this study, interest rates gradually declined, until they stood at 8 to 10 per cent by 1910.

Only about one-fourth of the settlers, however, reported that they had borrowed money in the early period. This small percentage of pioneers borrowing was in sharp contrast to the high percentage of pioneers who were found to be borrowers in the Palouse Country. The relatively small number of pioneers who were debtors in northeastern Washington seems to be accounted for in the lack of opportunity for the production of staple commercial crops, which are usually good security for money loans. Small-scale farming and the raising of livestock in the northeastern Washington region did not necessitate the purchase of expensive farm machinery, as was the situation for efficient wheat farming in the Palouse Country region.

TRADE AND MARKETS

Our expanding American agriculture has always developed locally, nationally, and internationally in close relationship to available markets.⁴² The pioneer farmers of this region were compelled to adapt their trade and marketing practices to market situations. Because local markets were not at hand for some time after settlement, it was advantageous to raise cattle at first and drive them on foot to the Spokane market and to other shipping points on the railroads which had come

⁴¹ See S. J. Buck, *The Granger Movement* (Cambridge, Mass., 1913); J. D. Hicks, *The Populist Revolt* (Minneapolis, 1931).

⁴² F. R. Yoder, *Introduction to Agricultural Economics* (New York, 1929), Chap. I; E. G. Nourse, *American Agriculture and the European Market* (New York, 1924); N. S. B. Gras, *A History of Agriculture* (New York, 1925), pp. 368-73; E. C. Kirkland, *A History of American Economic Life*, Rev. Ed. (New York, 1939), Chaps. I, IV, V, XII.

into central Washington south of the region in the 1880's. Cattle buyers also came into the region and purchased cattle and drove them out in large herds. In some of the communities a group of farmers would get together and drive their herds to market in large droves. Herds numbering as many as 1,300 and 1,400 head were reported to have been driven out. The local populations in the lumbering and mining industries furnished a limited market for some of the pioneers' products, especially for dairy and poultry products, meat, and fresh vegetables.

Supplies at first had to be brought into the region from long distances. Two of the oldest settlers reported making trips to Walla Walla, 210 miles away, to purchase supplies soon after they had settled in the region. Such a trip required between two and three weeks. A large number of the settlers stated that they made trips to Spokane in the early days, 50 to 75 miles distant from their homes, to purchase supplies. Such trips would be made two to four times a year and would usually require from five to seven days. In the later stage of the pioneer period, after mail services had become available, many of the settlers made frequent use of the mail order houses for the purchase of certain types of drygoods. The owner of a grist mill which she had inherited from her father said that the early pioneers used to come to the mill with their "turns" from a distance of 25 and even 35 miles and camp about the mill waiting to get their grain ground.

Within a few years following permanent settlement in the communities, small country stores and trading villages came into existence to supply the merchandise needed by the settlers. In the mining areas—where there were often sharp and quick increases in population, due to gold rushes, and where a great demand for goods arose suddenly—stores were frequently operated in tents during the first rush of business. In several communities stores operated by lumber companies were a great convenience to the settlers in the vicinity.

The general course of the development of trade in the pioneer communities was somewhat as follows: first, few stores and the necessity for settlers to travel long distances to remote trade centers to sell and buy; second, the growth of small trade centers at various points within the region and fairly accessible to most settlers; third, the supplementing of the town trade centers with local community stores within a few miles of practically all settlers.

The country store has been one of the classic institutions in the development of American rural communities.⁴³ The pioneers of this region generally testified to the convenience and services of the country stores both as places of trade and as centers for visitation and discussion of timely farmers' topics. One pioneer said, "We were always settin' 'round on the kegs and boxes and helpin' every fellow tend to his business"; and another laughingly remarked, "We always tended the store better than anything else."

TRANSPORTATION

One of the most significant adaptations the pioneers to the West had to make was to the conditions and facilities of transportation. There was first the problem of getting to the new region, and second getting out of the region, and from place to place in the region after settlement. Transportation problems, therefore, have always loomed large in the lives of pioneers and in the development of their communities.⁴⁴ The covered-wagon epic of the Oregon and Mullan Trails had nearly passed when the main streams of migration began to pour into northeastern Washington. Only a few of the pioneers in the region came across the Rocky Mountains in covered wagons. The era of western railroad building had brought three transcontinental lines to Spokane between 1883 and 1893.⁴⁵ Practically all the pioneers reported that they came to the Pacific Northwest by train. This was in decided contrast to the coming of Palouse pioneers, the majority of whom came by covered wagon. But though the settlers of northeastern Washington came to Spokane or points south of the region by train, most of them reached the localities in the regions where they settled by foot, horseback, coach, or wagon. Getting into the western part of the region was a long, tire-some journey by horseback, stage, or wagon in the 1880's and early 1890's.⁴⁶ Branch-line railroads were built into each of the four counties between 1899 and 1908, and greatly facilitated travel to and from the

⁴³W. H. Wilson, *The Evolution of the Country Community*, Rev. Ed., (Boston, 1923), pp. 26-28; J. M. Williams, *Our Rural Heritage* (New York, 1925), pp. 104-05.

⁴⁴Paxson, *op cit*, Chaps. XVII, XXIX, XXX, XLIV, XLIX; Everett Dick, *The Sod-House Frontier 1854-1890* (New York, 1937), Chaps. I, VII, XXV; A. B. Hulbert, *The Paths of Inland Commerce* (New Haven, 1920); J. F. Willard and C. B. Goodykoontz, Editors, *The Trans-Mississippi West* (Boulder, Colo., 1930), pp. 103-61; S. J. Buck, *The Agrarian Crusade* (New Haven, 1920), Chap. IV.

⁴⁵E. A. Bryan, *Orient Meets Occident* (Pullman, Wash., 1936), Chaps. III, V, VIII.

⁴⁶Waring, *op. cit.*, Chaps. I, II.

region.⁴⁷ As late as 1905 a network of horse-drawn stages connected the most important towns in the region.⁴⁸

One of the "ways to the west" has always been the rivers.⁴⁹ The Columbia and one of its branches, the Pend Oreille, were of much assistance in helping the early pioneers get themselves and their goods into different parts of the region. The resourceful voyageurs of the Hudson's Bay Company were ascending the Columbia up as far as Kettle Falls at Fort Colville and transporting persons and cargoes as early as the 1850's.⁵⁰ For many years the Pend Oreille was the main highway for transportation north and south through the extreme eastern part of the region.⁵¹ All the settlers interviewed in Pend Oreille County mentioned the boats on the river as early convenient means of transportation in this part of the region.

To get from house to house and from community to community within the region, the settlers adapted their methods of travel to some of the transportation facilities provided by the Indians. They used the Indian trails and the cayuse. Practically all the oldest pioneers spoke of the many Indian trails which ran here and there throughout the region and told how they also used them in the early days. Next the settlers began to build new trails and roads over which wagons and buggies could be driven. The building of these roads required the voluntary cooperation of the settlers. In some of the communities when roads were being built by the settlers, distant from their homes, they would camp out for several weeks at a time, as they extended the roads toward important local marketing centers.

The transportation problem constantly called for the resourceful adaptation of the settlers. In the heavily forested eastern section of the region, they had to learn to carry an axe and crosscut saw with them when they journeyed any distance from home by wagon or buggy, so that they could clear the road of fallen trees. To get down steep roads with heavy loads, they cut down trees and tied them behind the wagons for brakes. A very severe winter with deep snow caught the settlers of one community with many cattle without sufficient hay to carry them through the winter. The only gap through which the cattle

⁴⁷ *History of North Washington* (Spokane, 1904) pp. 105, 128, 138, 150, 164, 412; Dingee, *op. cit.*, pp. 24-25.

⁴⁸ *History of North Washington* (Spokane, 1904), *passim*.

⁴⁹ Emerson Hough, *The Way to the West* (New York, 1903), pp. 19-24, 32-57, 185-221.

⁵⁰ W. D. Lyman, *The Columbia River* (New York, 1909), Chap. V.

⁵¹ Dingee, *op. cit.*, pp. 29-31.

could be driven out was filled with very deep snow. The settlers solved the problem by tunneling under the snowdrifts in the gap and driving the cattle through the tunnel and out to the Spokane market. In another community, where the settlers were without a wagon road, they drove their teams and wagons over a logging railroad to get back and forth to a trading center.

Transportation in this region between 1885 and 1910 followed a sort of national developmental pattern common to most pioneer communities.⁵³ First the earliest settlers rode horseback and used the Indian trails, and traveled by canoes and small boats on the streams. Then they built through volunteer cooperative efforts local community roads over which they could drive carts, wagons, and buggies. Finally a system of public roads was built and articulated with a system of trunk and branch-line railroads

ISOLATION AND COMMUNICATION

The first books published on rural sociology in the United States held that isolation was *the* rural social problem.⁵⁴ This idea was largely a reflection of the social situation of American pioneer rural communities. In the northeastern Washington region, social isolation was sharply felt by many of the settlers. The density of the rural population in the region in 1910 was 3.8 per square mile as compared with 13.2 persons for the Palouse Country and 16.5 for the United States as a whole.⁵⁴

Some of the pioneers felt keenly their early isolation. Two women told the writer that for several winters after they first came to the region and when their children were small, they did not leave their homes or see another woman for four months in the dead of winter. A number of other women spoke of the loneliness of the long winter months, when they saw so few persons outside the members of their families. One old lady told the story of an extremely isolated Swedish family that she visited soon after she came to the region—a family that lived back in the hills about five miles from a highway. When the visitor went to call on these people the little children were so frightened

⁵³ Hulbert, *op cit*; G. R. Chathurn, *Highways and Highway Transportation* (New York, 1923), Chaps. II, IV.

⁵⁴ J. L. Gillette, *Constructive Rural Sociology* (New York, 1912), Chap. II, IX, XIII; K. L. Butterfield, *Chapters in Rural Progress* (Chicago, 1908), Chap. II, and *The Country Church and the Rural Problem* (Chicago, 1911), Chap. I.

⁵⁵ *Abstract with Supplement for Washington, 13th Census* (1910), pp. 28-9, 596-600.

that they ran and huddled around their mother as though they had never seen another woman before.

Mail services varied with the distance the settlers lived from the main highways and the small towns. At first the mail was usually brought into the settled parts of the region once a week and distributed at the little country postoffices. Later the mail was delivered twice a week along these star routes and finally each weekday over the Rural Free Delivery routes. For outside news most of the settlers took a local weekly and a weekly or semi-weekly paper published in Spokane or Seattle, or Portland, Oregon. One old Southern lady proudly stated that she had the *Tri-Weekly Atlanta Constitution* follow her to her new home here in the Northwest and read it for many years after she came. In communities five to ten miles from any country, village, or town postoffice, the settlers usually cooperated and took turns in bringing the mail for all the families in the community. It was the practice for whoever went to town to bring out the mail for every family in the community.

Carrying the mail and express in the West was in many regions and communities a heroic task, and the story has been told in history and fiction.⁵⁵ Two of the oldest pioneers told with great pride of their experiences in carrying the mail by stage through dangerous territory during a perilous period when they were mere boys. One of these helped drive stages between Colville and Walla Walla, a distance of 210 miles. The trip between the two points was made twice a week each way. The four-horse teams were driven in twenty to twenty-five mile relays.

NEIGHBORS AND NEIGHBORLINESS

Socially one of the first things that pioneer families in a frontier community must do is to adapt themselves to one another as neighbors. The country neighborhood has been a classic pattern of rural social adaptation in American rural life.⁵⁶ Several factors, however, made neighborliness somewhat more difficult in this region than in most other American frontier communities. In the first place, an unusually large percentage of the settlers were bachelors, owing to the earlier mining rush of many single men to the region, and many bachelors are not

⁵⁵ G. D. Bradley, *The Story of the Pony Express* (Chicago, 1913); H. J. Forman and W. Woods, *The Pony Express* (New York, no date); W. L. Visscher, *A Thrilling and Truthful Story of the Pony Express* (Chicago, 1908).

⁵⁶ Wilson, *op cit.* Chaps. I, II; N. L. Sims, *Elements of Rural Sociology*, Rev. Ed. (New York, 1934), Chaps. III, IV; Kolb and Brunner, *op cit.*, Chap. III; Williams, *op. cit.*, Chaps. II, XIII.

very sociable. One pioneer lady who traveled all the way from Kentucky to become the wife of a bachelor stated that she gave a Christmas dinner for all her neighbors and had twelve bachelors present for the dinner. In one instance, after interviewing an old bachelor, the writer asked who lived in the cabin which could be seen across the valley about three quarters of a mile away. The old bachelor replied, "I don't know what that feller's name is, but he moved there about two years ago. I never talk to him." As was indicated above, another factor that influenced neighborliness was the sparse population in the region. Still a third factor affecting neighborliness was the heterogeneity of the population. An old Swedish lady humorously told of her great embarrassment when some recent English arrivals in the community called upon her one afternoon. It was the Swedish custom always to serve coffee on such occasions. But she had heard that the English served only tea. She had none. What was she to do? Greatly embarrassed and with many apologies she served the coffee. As it turned out, however, the joke over the predicament helped to make the two families life-long, intimate neighbors. A fourth factor which stood in the way of neighborliness in some of the communities was the character of many of the persons who took up mining claims and homesteads in the region. One pioneer lamented, "There were lots of crooked fellows in here at first. They came here to get all they could for themselves. They didn't care anything about neighbors or anybody else."

In some communities, however, true pioneer neighborliness prevailed. Several of the pioneers remarked, "We were all like one big family at first." Another settler said: "All our neighbors were good folks; we never thought of locking our houses when we went away." A settler in the western part of the region told how one family, living at an important stopping place along a little-traveled trail, on going away from home, would leave the house unlocked and even post written explanations where food could be found by weary travelers who would be stopping for the night on their way up the valley. In a number of communities settlers reported neighborly cooperation in building houses, barns, fences, roads, and schoolhouses, and in harvesting, threshing, driving out cattle, and bringing in mail.

HOUSE AND HOME

With his farm located, the settler usually turned to the erection of a cabin. How the construction of dwellings has been adapted to local

physical environments has been pointed out by human geographers.⁸⁷ One frontier belt in the United States has recently been named and characterized as the "sod-house" frontier, because that was the type of house in which most of the early settlers lived.⁸⁸ In the dry summer climate of this northeastern Washington region, the settlers often lived in tents for a few months until they could get their cabins built. All over the region the log cabin was almost invariably the first permanent dwelling erected by the settlers. Trees and poles were always available and could be easily handled. The log cabins varied in size from one to six rooms, depending upon the size of the family. As already stated above, the writer found many of the settlers still living in the log cabins they had erected when they first settled on their homesteads. Many of the original cabins have been enlarged by the addition of several rooms, usually built of lumber instead of logs. In a country where the temperature in winter sometimes drops to 20 and 30 below zero and remains at this low point for a week or two, these log cabins were at times far from comfortable. One settler stated that the first winter he was in the region, his dirt floor froze four inches deep when the temperature dropped to 40 below zero.

In his visits to a number of old bachelors' cabins, the writer appreciated the value of that division of labor in modern society which allots to woman the task of keeping the house clean. The old bachelors visited by the writer had seemed to be quite too busy with outdoor farm work to keep their cabins clean. That this had long been the way of bachelors in the region from early days was confirmed by a story told by one of the old pioneer ladies. When she came to her community as a bride, one of six bachelors who had been living in the cabin which she was about to occupy with her husband, met her in advance at a village some six miles from the cabin and asked her to delay her arrival at the cabin a night and a day, so that all six bachelors could put in a day and a night housecleaning, and she deferred to the request. But even after the strong combined efforts of the six bachelors in twenty-four hours of housecleaning, the young bride had to continue with the cleaning efforts for another two weeks to achieve a good housekeeper's standard of cleanliness.

⁸⁷ P. Vidal de la Blanche, *Principles of Human Geography* (New York, 1926), Chap. IV; Brunhes, *op. cit.*, Chap. III

⁸⁸ See Dick, *op. cit.*

As the economic conditions of the pioneers throughout the region have improved, housing has slowly adapted itself to the rising economic status. More than half the pioneers have been able to replace their log cabins with fairly comfortable board houses. Perhaps a fourth have been able to equip their houses with some of the modern home conveniences.

SCHOOLS

The school in the American rural community has always been a close adaptation to such basic factors as economic resources, standards of living, density of population, roads, transportation, and opportunities for employment in agriculture and other industries.⁹⁹ The school in the pioneer community especially had to make these adaptations. Whatever may have been the past educational practices of the early settlers in the old communities from which they came, they had to make readjustments in these practices in their new communities. The course of development of schools in northeastern Washington in the pioneering period was somewhat as follows: first, no school at all for a year or two as the new communities were being settled; second, private schools for a few weeks or months held in the home of a settler and attended by the children of a few intimately acquainted neighbors; third, schools built by voluntary labor of the community, but operated at public expense; fourth, publicly built and supported schools

One of the biggest problems for the pioneer schools at first was to get competent teachers. Many times a pioneer's wife or daughter was pressed into service as a teacher, because there was no one else to teach the school. Almost anyone who wanted to teach could get a certificate. An ex-teacher told how one young man coming into a community to apply for a school was certified. When the prospective teacher went to see the county superintendent of schools who did the certifying, the latter was out in the field plowing. On telling his business, the applicant was asked to what political party he belonged. When he replied that he was a Democrat, the superintendent at once certified him, adding, "Any fellow who is a Democrat knows enough to teach school."

In most of the school districts throughout the region, the little schoolhouses were used for many purposes. In many of the districts Sunday Schools and preaching services were held there. In some of the districts the schools were also used for debates, literary programs,

⁹⁹ Williams, *op. cit.*, Chap. XVII; Wilson, *op. cit.*, Chap. XII; Gillette, *op. cit.*, Chaps. XVIII, XIX; Kolb and Brunner, *op. cit.*, Chaps. XVII, XVIII.

and holiday celebrations. One old lady said, "The schoolhouse was the only place to go to see folks." An old pioneer couple sadly complained, "The school used to be our best place to get together; we used to have socials, box-suppers, and all kinds of entertainments; but now since the schools have been consolidated, we don't have anywhere to go for socials." Since the pioneers had often furnished the materials and labor to build the first schoolhouses, they felt that they should use them for whatever community purposes they desired.

CHURCH AND RELIGION

Different interpretations of the religious situation in American frontier communities have been made. Some writers have stressed the high emotionality of the religion of the pioneers; others have emphasized the indifference of frontiersmen to religion; and still others have traced our extreme rural denominationalism back to frontier conditions.⁶⁰ All this is to say that religion in the pioneer community is an adaptive tradition or institution, adjusting itself to various circumstances. One of the counties in this region was selected for a survey of the rural church under frontier conditions by the Interchurch World Movement in 1919, and a report was published in 1922. This report stressed particularly the backward state of the church and religion in the county, the lack of both ministers and churches.⁶¹

From the interviews with the fifty pioneers on early church and religious affairs, a rough sequence of development somewhat as follows seems to have taken place in the communities of the region: first, no religious services or churches in the first few years of settlement; second, religious services held occasionally in private homes by itinerant preachers or lay preachers; third, Sunday Schools and preaching services held in the schoolhouses, with one or two rather prolonged revivals each year; fourth, the establishment of churches by a few of the denominations, usually in the small towns and villages.

The general indifference of many pioneers to religion in the region, however, is attested by the very low percentage of the population that

⁶⁰ P. G. Mode, *The Frontier Spirit in American Christianity* (New York, 1923); Helen O. Bellknap, *The Church on the Changing Frontier* (New York, 1922); Williams, *op. cit.*, Chap. XV; H. R. Neibuhr, *The Social Sources of Denominationalism* (New York, 1929), Chaps. VI, VII; C. B. Goodykoontz, *Home Missions on the American Frontier* (Caldwell, Idaho, 1939); Dick, *op. cit.*, Chap. XXIV.

⁶¹ E. deS. Brunner, *A Church and Community Survey of Pend Oreille County, Washington* (New York, 1922), Chap. VI.

were church members, according to the Federal religious census of 1906. According to this report, the percentage of the population that belonged to church in three counties taken as a whole was 20.3, and for Ferry County it was only 12.6—as compared with 31.2 for Whitman County and the State of Washington, and 39.1 for the United States.⁶⁵ Some of the remarks of the pioneers which give an insight into their attitude toward religion were as follows: "Yes, the preachers were in here right after us; they are generally about the second fellow on the job." "Religion was very scant here; too many of the early settlers were too much on the crooked order to go to church." "Nobody around here was interested in religion; every fellow was trying to get everything he could for himself." "I was brought up in the church and Sunday School and taught that there was a hereafter, but when I got up here in the hills, away from everybody, religion just seemed to drop out." "The people were too busy pioneering up here to think about religion." "When I was a little boy, I had to go to church every morning of the week and three times on Sunday; when I got away from home I vowed I would never go to church again; out here I have never gone to church, but my wife has always gone and tried to get our boys to go." "The preachers in here never stayed anywhere longer than to get the coins; they usually had half a dozen places under their wings." "When Reverend ——— was here for a big revival he passed around the cup, but it didn't get filled; he passed it around the second time and said he would like for us to fill it, but he never got it filled; we were too poor; we didn't have anything."

It has been characteristic of pioneer populations to be relatively indifferent to religion and to have a low church membership. This situation seems to be an adaptation to such factors as mobility of population, new interests, low incomes, absorption in pressing economic problems, and absence of religious organizations of formerly held faiths.

HEALTH AND MEDICAL FACILITIES

Several interesting books have recently appeared giving accounts of the services and hardships of country doctors in pioneer communities, and some glimpses of health conditions among the pioneers themselves.⁶⁶ It is probable that the settlers migrating to frontier communi-

⁶⁵ *Religious Bodies* [published by the Bureau of the Census]: 1906, pp. 58, 368-69.

⁶⁶ Urling C. Coe, *Frontier Doctor* (New York, 1940); Arthur E. Hertzler, *The Horse and Buggy Doctor* (New York, 1938); Sarah O. Jewett, *A Country Doctor* (New York, 190-?).

ties were already selectively adapted for the hardships they had to endure. One pioneer said to the writer: "Only healthy pioneers came to this community, and almost nobody ever got sick." An occasional person, however, did become sick, accidents happened, and babies were always being born. At first many of the communities were not in reach of a doctor. Midwives attended mothers when babies were born. Several pioneers reported that there were no doctors closer than Spokane, fifty to seventy miles away, when they first settled in their communities, and that the charge of a doctor to come to their communities was \$50 to \$75, which was a prohibitive fee for most of the settlers.

One country doctor who located in one of the small towns on one of the navigable rivers became a beloved character and a beneficent institution for people living along the river for a distance of fifty miles. This pioneer doctor became known in every settler's home up and down the river and brought comfort to hundreds of pioneer patients, in a lifetime of unselfish medical practice. Another pioneer doctor had an extensive route through a number of communities, calling at certain homes and points regularly to see patients, or to be conducted to homes where patients were too sick to come to meet him.

Only as the small rural towns in each county became large enough to support doctors did the pioneers living in the outlying rural districts begin to get medical services within convenient reach. But even today some of the rural communities in the region are still remote from towns and doctors.

RECREATION

A recent book on the development of play in the United States contains chapters on play in frontier communities. According to this writer, frontier recreation has usually been characterized by drinking, excessive eating, gambling, rough contests, and boisterous and uncouth antics.⁶⁴ One of the main points made by the author is that the excesses of frontier play are an adaptive compensation for the isolation and loneliness experienced by the pioneers. From stories told the writer, some of the communities of the northeastern Washington region had more than their part of the rough pioneer play, especially the early mining communities. A number of the old pioneers told regretfully of the crude, immoral play indulged in by many of the young men and some women, when the communities were first settled, especially before white

⁶⁴F. H. Dulles, *America Learns to Play* (New York, 1940), Chaps. II, IV, VII, X, XVI.

men moved in with their families. Real horse-bucking contests were greatly in favor. One frank old pioneer said, "Our parties were always rough; we always had plenty of good whiskey." Another pioneer told of a different recreational preference. Said he: "I never cared much about the recreation they had around here; but I always attended all the circuses that come near." When interviewed by the writer this old gentleman was getting ready to go by bus to Spokane, some seventy-five miles away, to see a circus.

On the other hand, in most of the communities the pioneers with families had a variety of recreation, less boisterous and more suitable for mixed groups of men and women. Forms of recreation most frequently mentioned were square dances, picnics, singings, and school-house entertainments. In several communities the local Granges were mentioned as chief sources of recreation. One pioneer stated that he and his wife attended a local Grange for twelve years and missed only four or five meetings during that time. The abundance of fish and game in the region provided excellent sport for those who liked outdoor recreation.

LAW AND ORDER

Mining regions in the western United States have been notorious for their disorderliness, and many western pioneer communities have been saved from criminal chaos only by self-constituted vigilantes.⁶⁶ Many frontier communities in northeastern Washington long felt the effects of the rough mining influences in the realm of law and order. The writer listened one evening for two hours to one pioneer's description of the lawlessness of one of the communities in the region as this pioneer had observed it in the first few years after it had been opened for settlement. The round of crime in this community consisted of heavy drinking, quarreling, fighting, shooting, killing, sex immorality, gambling, stealing, and robbery. Even women were killed in some of the rows. For many months in this community no one was arrested for any of the crimes committed, nor was any attempt made to enforce law. Every man in the community carried a gun or two and was a law unto himself. Only the fear of other men known to be carrying guns restrained many of the men in their relationships with one another. How many persons were killed in this community nobody knows. A

⁶⁶ Dick, *op. cit.*, Chap. X; N. P. Langford, *Vigilante Days and Ways* (Chicago, 1912); W. J. McConnell, *Frontier Law* (New York, 1924); H. Birney, *Vigilantes* (Philadelphia, 1929).

pioneer living about fifteen miles from this community said to the writer: "This has always been a tough place out here [his own community]. A bad influence reached all the way out here from ——— [the community described above] and we have never got over it. Some fellows out here have always stole horses and cattle. Some have robbed banks and stores and lugged off safes and cracked them."

A pioneer who had been an old stage driver and freighter gave this version of lawlessness in the early days in his community: "This was a tough country in the early days. There was lots of horse-stealing. White ruffians would go out and round up dozens of the Indians' horses and drive them down into central Washington and Oregon and sell them. These whites would spy out a nice herd of the Indians' ponies, build a brush corral, round them up, and drive them out."

Another pioneer told an amusing story of how an Irishman saved a dancing party for an evening and probably prevented a serious row. A well-known disorderly woman entered the dancing hall, and it was suggested that she be immediately thrown out. A group of the leaders at the dance went into council and were making plans for her disposition, when the Irishman stepped up and listened to the conversation. "Jesus Christ," he interrupted, "if we throw her out we'll have to throw everybody out." A pause came in the conversation, a big laugh went up, and everybody went on dancing.

For a number of years after the pioneer period had passed, several of the communities in this region had a reputation for being "tough places." Horse and cattle stealing persisted for many years. Many men were handy with guns. Heavy drinking and bootlegging went on during prohibition days. One old settler closed his story on lawlessness in his community in the early days with the remark: "And I'm sorry to tell you that a lot of this still goes on. There are fellows in here right now stealing hogs and cattle. And they are stealing more now than ever before, for they are hauling them away in trucks." So some of the anti-social pioneer practices still persist, but are adapted to the new technological exigencies.

NEED OF FURTHER STUDY

Social theory generally follows social practice. The academicians usually work several generations behind the makers of events. The classic historian of the American frontier began his study and writing two hundred years after the pioneers of the eastern seaboard began to

push westward to conquer the wilderness and to make their social adaptations to a frontier environment. The historian can perhaps work best in ripened time perspective. The political scientist also needs the lapse of time for a correct interpretation of the evolutionary development of political institutions. The economists and the sociologists, however, work closer to the scene of current events. Though they also need the perspective of the past, they have been able to do some of their most successful research in the fields of current economic and social activities.

For many years, the sociologists, in particular, have been making case studies and community surveys. The sociologists now have a technique of investigation that serves them well in the collection and interpretation of all kinds of sociological data. A dozen states in the Far West are scarcely more than a generation removed from their frontier development, and there are still hundreds of pioneer communities in these states in which sociological investigations focused on frontier life could be made. The cost of such studies is relatively low. If in the next ten years fifteen or twenty studies could be made in the social process of pioneering, data would be available to give us a substantial foundation for a sociology of frontier life.

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RESEARCH STUDIES of the STATE COLLEGE OF WASHINGTON

Volume VIII

September, 1940

Number 3

A SUDDEN DEVELOPMENT IN KEATS'S POETIC METHOD

WALTER F. WRIGHT

Instructor in English

Sidney Colvin, Amy Lowell, and others have interpreted the increased intensity of John Keats's emotional life which resulted from his falling in love with Fanny Brawne in late October or November, 1818. Together with the death of his brother Tom in December of that year, the experience led to acute anxiety and suffering. At the same time, however, Keats's love for Fanny had a much more desirable effect which has not been pointed out. It was accompanied by a sudden stylistic improvement in his poems—an improvement not explained by other personal experiences or by the new literary influences upon the poet at that time. The development which took place was in his choice of phrases for the portrayal of women and of love.

That there should have been an improvement in Keats's style is reasonable from the normal process of a poet's growth, but it is noteworthy that as late as the summer of 1818, when he was nearing twenty-three years of age and had written such mature poems as "On Sitting Down to Read King Lear Once Again" and "When I Have Fears," he was still dreaming of a playful, pseudo-medieval, chivalric relationship of men and women and giving the latter only the qualities of sentimental longing or pretty and elegant coyness. Such characteristics show no great improvement over his mawkish dimple-handed, white-necked, "milk-white lamb that bleats for man's protection" of "Woman When I Behold Thee,"¹ written in 1815, or the equally dimple-handed, "sweet-hipp'd," and tender-footed damsels of "Calidore," composed in 1816,² and are in the spirit of the "Imitation of Spenser" of about 1812 or 1813.

In *Endymion*, 1817, the women are "young damsels" with "cheek of virgin bloom" or "pallid cheek" revealed by moonlight. They foster orphan lambs and read "sweet poesy by moonlight." They shut "pure

¹ Lines 16, 31, 32.

² Lines 85, 93, 135, 147.

sorrow drops" in their "silver source" and improvise in Radcliffian fashion on a lute. They have "pearl round ears, white neck . . . a paradise of lips and eyes . . . and blue vein'd feet." Their kisses are "honey-dew" and their chatter is "two bubbling springs of talk" issuing from sweet lips, which are "slippery blisses." Their "toying hands," otherwise known as "softlings," have a "smooth excess" and their skin has a "dainty hue." When their eyes gaze, they perform a "swimming search after some warm delight." They are metaphorically transformed into a "swan of Ganges" or a water-lily bud.⁸ It does not matter whether it is the sisterly Peona, the Indian maid, Scylla, or even Cynthia that is being described. In what might otherwise be imaginative because of its symbolism, Keats makes Peona merely a kind and gentle sister, not an ethereal spirit, and then lavishes on her his trite compliments. Cynthia he is unable to glorify despite his associating her with the heavens. He makes her a smiling, affable, yet shrinking maid, who seems rather to descend to Endymion's boyish level whenever she appears before the love-sick lad, instead of really raising his mind to lofty adoration, as she is supposed to do. She has an "orbed-brow," but it is she who possesses the "paradise of lips and eyes." Her godhood counts for nothing. Scylla is depicted as one who, though having deserted her lover, could yet melt with tender affection. The Indian maid he does give a separate identity by bestowing on her a consistent sorrow, yet she is but a "river-lilly [sic.] bud," who is asked to give her lover "one gentle squeeze" with a perspiring hand "warm with dew at ooze from living blood."⁴

Slightly later, Keats wrote of his "little queen" with "languid arms in silver slumber lying," of "faery lids how sleek,"⁶ and of kisses budding "upon the tree of love."⁸ In the meantime he was writing jovial, affected compliments to Georgiana, as he had done earlier to the Reynolds sisters.

In the spring of 1818 Keats completed "Isabella," his last important poem before his acquaintance with Fanny Brawne. The theme of "Isabella" is as good as that of several of his later poems, but despite the merit of the verse, there is still Keats's awkward overstressing of the heroine's sentimental softness and of her physical appearance.

⁸ I, 135, 188, 369, 489, 616; II, 7, 738; III, 408; IV, 63, 316, 465, 664.

⁴ *Endymion*, IV, 665, 667.

⁶ "Unfelt, Unheard, Unseen," Nov., 1817.

⁸ "Extracts from an Opera," early 1818. Cf. also "To a Lady Seen for a Few Moments at Vauxhall," Feb. 4, 1818.

Lorenzo must "taste the blossoms [lips]," and in a stanza fortunately later rejected, he dotes on her neck and "anxious dimple." Isabel is especially pretty in her "downy nest," and even after tragedy has overtaken her, she spreads her "perfect arms" upon the air and cries with "melodious chuckle in the strings of her lorn voice." The subject of the poem is far different from that of "Calidore," but there is little improvement in the choice of images and comparisons to sketch the grief-stricken Isabel. She is neither a romantic lady in a castle tower nor the earthy and wilful heroine of Boccaccio's original tale, but only the "little queen," whose "languid arms" have been turned into "perfect arms" and whose moist lips have become tasty blossoms. In every instance Keats feels that he must add cloying references to the physical manifestations of emotion. His heroines follow one pattern of sentimental conduct just as regularly as do the heroines of Mrs. Radcliffe's romances, of Hunt's *Story of Rimini*, and of Mary Tighe's *Psyche*. They are essentially helpless, sometimes coyly playful, sometimes languishing in a winsome manner, and always supplied with beauties which can be separately enumerated or grouped together as a "paradise." Their minds are irrelevant, as all the flattering compliments are addressed to their hands, ears, lips, and dimples. They are not highly imaginative creations, but merely repetitious adaptations of make-believe creatures living in an equally make-believe world. In writing to the sensible and practical Georgiana, Keats always pretended that she was living in an idyllic world. In writing to the Reynoldses, he likewise disguised ordinary mortals as nymphs and demure children, and in describing his poetic heroines he was unable to do much more.

Keats could sense dramatic and tragic situations, but he could not entirely rise from the sentimental depiction of the gestures and poses which might accompany a feeling of love to an intense and simple portrayal of the emotion itself.

As late as October, 1818, Keats wrote of women in general as "children to whom I would rather give a sugar plum than my time."⁸ At the moment he was interested in Miss Cox, whom, again, he praised for her eyes, her fine manners, and her "rich eastern look," which suggested the "Beauty of a Leopardess."⁹ And even when he first mentioned Fanny Brawne, he referred to her "fine style of countenance,"

⁸ Stanzas 9, rejected 8, 18, 30, 62.

⁹ Letter to George and Georgiana, October, 1818.

¹⁰ *Ibid.* He later found that he had exaggerated.

her nostrils, and her mouth,¹⁰ in other words, to features on a level with the dimples of the fictitious heroines he had been describing. From letters to Fanny herself, however, it is clear that almost immediately thereafter Keats came to love her and to alter completely his language concerning her. His letters to her speak of her beauty, but nowhere with any itemizing or other mawkish detail.¹¹

At once, too, came a change in Keats's poetry. Until he fell in love with Fanny, late in 1818, the vocabulary of Hunt and Mary Tighe and of the writers of sentimental romances was sufficient for Keats's needs. But thereafter it was at least inadequate, if not offensive to him.¹² Part of the change in form is attributable to the poet's growing interest in Milton and part of the increase in seriousness is unquestionably due to the illness and death of Tom, but it is noteworthy that in poems showing no Miltonic influence and in others which are in theme in no way indebted to Keats's grief at the death of Tom, there is an almost complete absence of any of the sentimental affectation in language to be found in the earlier poems and there is a much more profound conception of love and the tragedy of love.

In "Hyperion" and the "Fall of Hyperion"—the one not well started until after Keats met Fanny, the other begun in December, 1818¹³—the goddess Thea is saddened from deep personal grief and from understanding of the tragic nature of life. She is statuesque in her dignity, yet gentle and humble, uniting in herself the divine and the human:

But oh! how unlike marble was that face
How beautiful, if sorrow had not made
Sorrow more beautiful than Beauty's self "

There is nothing of excess in the description either of her beauty or of her grief. The picture of her at the feet of the bowed and despairing Saturn is sketched in one line:

¹⁰ Letter to George and Georgiana, 1818-1819 Keats met Fanny late in October or early in November, 1818.

¹¹ He once wrote to her, "the very first week I knew you I wrote myself your vassal" (Letter, July 25, 1819) Cf. also letters to Fanny dated July 1, 1819; July 8, 1819; and July 15, 1819, while Keats was writing the "Eve of St Agnes" and "Lamia" Typical passages read: "The morning is the only time for me to write to a beautiful Girl whom I love so much" "Why may I not speak of your Beauty, since without that I could never have lov'd you" "My sweet girl, I cannot speak my love for you."

¹² In the "Ode on Indolence," May, 1819, he wrote that he did not want to be "a pet lamb in a sentimental farce"

¹³ Letter to George and Georgiana, Oct., 1818. It does not matter here which version was first—a fact still undetermined

¹⁴ "Hyperion," I, 34-36

And the sad Goddess weeping at his feet.²⁵

When she gestures in the dim twilight, Keats writes simply:

Thea arose

And stretched her white arm through the hollow dark.²⁶

The whiteness, unlike the perfection of Isabel's arms, has an essential function in the picture in its contrast with the darkness:

When Clymene speaks, she is, likewise, concisely described.

With hectic lips and eyes up-looking mild²⁷

The "hectic" calls attention to Clymene's mental state more than to any special appearance of her lips. When she speaks, the simile used to describe the sound is also intended to suggest the emotion rather than the mere physical appearance.

So far her voice flow'd on, like timorous brook
That, lingering along a pebbled coast,
Doth fear to meet the sea.²⁸

The soft dying away of the voice connotes a sense of eternal tragedy and of infinite tenderness.

Moneta, the goddess who inducts the poet into the mysteries of the story of the fallen gods, is a "tall shade veil'd in drooping white" or, again, "in drooping linens veil'd." Her hand, unlike Cynthia's, needs no adjectives except "sacred," and her suffering is briefly alluded to:

One hand she press'd upon that aching spot
Where beats the human heart.²⁹

The theme of the poems is not in itself the explanation of the improvement in description. Cynthia, of *Endymion*, was a goddess, too, and one who, as the ideal of Endymion's adoration, might well have called forth poetry comparable to that describing Thea, Clymene, and Moneta; and Isabel had endured no less grief than theirs. Nor does the occasional echo of Milton in the verse explain the simplicity and restraint in the portrayal of emotion. It seems rather that Keats had discovered, partly through his grief for Tom and even more through his love for Fanny, that profound human emotions do not permit the sentimental analysis of their symptoms and the cataloguing of their outward manifestations.

²⁵ "Hyperion," I, 88, the "Fall of Hyperion," I, 387

²⁶ The "Fall of Hyperion," I, 455.

²⁷ "Hyperion," II, 250

²⁸ *Ibid.*, II, 300-302

²⁹ The "Fall of Hyperion," I, 344-345.

In the "Eve of St. Agnes," January to September, 1819, Keats concentrated for whole stanzas on purely sensuous description; and yet, in a poem romanticizing and idealizing the happiness of two lovers, he showed a remarkable restraint when describing the heroine upon whose beauty the entire poem is centered. There are only two or three lines to which exception might be taken. Maidens on St. Agnes' Eve are expected to "couch supine their beauties, lilly white"; Madeline's heart pains "with eloquence her balmy side"; and, again, the girl appears "a splendid angel."¹⁰ But elsewhere the poet emphasizes the dreamlike atmosphere that surrounds Madeline and her own entrancement. She is "thoughtful Madeline,"

Madeline asleep in lap of legends old,

or

Madeline, St Agnes' charmed maid.¹¹

Keats chooses to compare her to a dove, but only to suggest the strangeness and perilous nature of her position and her love for Porphyro:

She comes, she comes again, like ring-dove fray'd and fled,

and

A dove forlorn and lost with sick unpruned wing.¹²

There is no single description of Madeline. She is depicted mainly by the things which surround her, the setting in which she moves. It is this that Keats stresses. The girl is identified with the mystery of superstition, the peaceful seclusion within her room, which contrasts with a wintry gale outside and the revelry below, and a romantic love which ignores the dangers of a bitter feud. Love is precious to her and to Porphyro, not because of its voluptuousness, but because of its fragility and the perils that set it apart from common life.

In the "Ode to Psyche," April, 1819, Keats combined the spirit of secret love used in the "Eve of St. Agnes" with the Greek myth and, again, added strangeness and a sense of the hazards of love in a purblind world to give his story intensity. The concluding lines echo both and set in contrast with the bleakness outside the joy within the temple which the poet will create in his mind for Psyche:

And there shall be for thee all soft delight

That shadowy thought can win,

A bright torch, and a casement ope at night,

To let the warm Love in!

Sometime during the spring and summer of 1819, Keats wrote the "Eve of St. Mark," in which he made only two references to his heroine's appearance:

¹⁰ The "Eve of St. Agnes," VI, 7; XXIII, 7; XXV, 7.

¹¹ *Ibid.*, VII, 1; XV, 9; XXII, 3.

¹² *Ibid.*, XXII, 9; XXXVII, 9.

Bertha was a maiden fair
and

She lifted up her soft warm chin.²²

The first allusion is in accord with the archaic, ballad-like language Keats was deliberately using; the second gives physical life to what would otherwise seem too shadowy and unreal. Except in these two allusions, Bertha is only faintly described. She is a young girl so fascinated by an old legend she has been reading that she sits gazing at the page before her. Keats had not lost his fondness for putting women in situations far removed from the everyday life of the world. But he had learned how to create a truly imaginative atmosphere rather than a mere idyllic transformation of the actual or a hackneyed imitation of the romantic scenes in the poetry he had read.²⁴ Thus, in his "Eve of St. Mark," Bertha is detached from the world around her and exists only in that emotion of awe and entrancement with which she contemplates the saintly life and miracles told of in the medieval story of St. Mark.

In April, 1819, only five months after first meeting Fanny, Keats wrote "*La Belle Dame sans Merci*," a poem likewise permeated with mystery, but with a sense, too, of the tragedy of love. In one stanza he described all that was pertinent about the elf lady's appearance, her mind, and her supernatural origin:

I met a lady in the meads
Full beautiful, a faery's child;
Her hair was long, her foot was light,
And her eyes were wild.²⁵

Keats told the story of the knight's love for the lady with similar freedom from sentimental effusiveness. Throughout the poem he stressed the power of enchantment and the cruelty of love. The lady is beautiful with a strangeness identified with a mythical world, and yet her magical bewitchment of men is symbolically applicable to life itself, particularly Keats's own life when he realized the hopelessness of his love for Fanny Brawne.²⁶

The tragedy of love was again Keats's theme in "*Lamia*," July to August, 1819. In the poem there are several scenes that reveal distinct improvement over those in poems of a year or two before. In contrast with descriptions of both Cynthia and the Indian maid is the metaphorical portrayal of the nymph beloved by Hermes:

²² The "Eve of St. Mark," 39, 54.

²³ Including especially that of Spenser, Tighe, and Hunt.

²⁴ Stanza IV.

²⁵ In April, too, Keats wrote to Fanny his sonnet, "Bright Star Would I Were Steadfast as Thou Art."

. . . she, like a moon in wane,
Faded before him, cower'd, nor could restrain
Her fearful sobs, self-folding like a flower
That faints into itself at evening hour"

Here the metaphor replaces what in *Endymion* was a crude analysis of a sentimental situation.

As to Lamia herself, her beauty is emphasized, but with a sense of mystery. After her transformation from a serpent's shape, she is at first like a naive pastoral maiden, because she must appear so to Lycius:

. . . she was a maid
More beautiful than ever twisted braid,
Or sigh'd, or blush'd, or on spring-flowered lea
Spread a green kirtle to the minstrelsy"

Lycius finds her lingering "faerily by the wayside" and is captivated by her apparent innocence and simplicity, by her "soft look growing coy,"²⁹ but Keats uses such phrases only for the irony of their contrast with the anxiety which Lamia suffers, as he immediately reveals that her coyness is forced upon her by fear, that it is a desperate effort to prevent the destruction of a love which can instantly vanish if Lycius is not kept fascinated. Lamia well knows that "but a moment's thought is passion's passing bell"³⁰ Even in the description of Lamia's attempts to beguile Lycius, Keats has no place for idle languishing and dalliance. Love is to Lycius life itself and to Lamia a temporary rescue from her life of wretchedness identified with a serpent's existence. It is this fact that gives poignancy to the lines in which both Lamia's beauty and her inevitable tragedy, before the attack of "cold philosophy," are united:

. . . it . . . made
The tender-person'd Lamia melt into a shade"

In his poems Keats never attempted to write realistically of love in a contemporary English setting, but he did shift from a fanciful and sentimental conception of it to a realization of its power and mystery, especially its relation to sorrow and tragedy. The revolution need not be wholly attributed to Keats's love for Fanny Brawne, but it came simultaneously with it, at the close of 1818, and within a few weeks marked a greater change in Keats's poetry than had occurred in all the years before.

²⁹ "Lamia," I, 136-139.

³⁰ *Ibid.*, I, 186-189.

³¹ *Ibid.*, I, 200-201, 256.

³² *Ibid.*, II, 39.

³³ *Ibid.*, II, 238.

SOME CIRCULATORY ANOMALIES IN THE FETAL PIG¹

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Although pigs have been studied for many years as an example of mammalian embryology, it is only recently that the large fetal pigs have been used extensively for gross dissection as an introduction to adult mammalian anatomy. As a result, the anomalies recorded in the late stages are largely those which are obvious externally. The circulatory anomalies, discoverable only by dissection, have been reported in much fewer cases, although, as in all domesticated animals, they are common in the pig. Some of the minor variations in the arrangement of blood vessels have been reported earlier (MacLennan, 1938). This paper reports a number of anomalies which have been noted in the Zoology laboratories at the State College of Washington. Most of these anomalies were detected in full-term fetal pigs with arteries injected, obtained from slaughter houses in Kansas City, Missouri. One anomaly was found by reconstructing the heart of a 6-mm pig from serial cross-sections. It is hoped that a record of these anomalies will be of interest to embryologists as well as a help in the study of the fetal pig itself.¹

PERSISTENT SUPRACARDINAL VEINS

The extreme example of this variation (Fig. 1) results in a split of the posterior vena cava, anterior to the renal veins, so that posterior to this point there are two veins which are completely separated and are symmetrical except that the first three lumbar veins empty only into the right vein. The left branch joins the right branch ventral to the dorsal aorta. The hemiazygos vein is normal. The ureters lie ventral to both the aorta and the two venae cavae. This condition answers to the criteria of McClure and Huntington's type BC (1929), the persistent supracardinal veins. This is an extreme example of the variation in which both supracardinals are present in their entirety, and the only example figured by Huntington and McClure which approaches this pig in the completeness of the anomaly is an adult man figured in their plate XXV.

¹I wish to thank my laboratory assistants, particularly Mr. Burton Lauckhart; students who have discovered and dissected some of these anomalies; and Mr. Eugene Clumpner and Andrew Sackett, who made the reconstruction of the heart of the 6-mm. pig

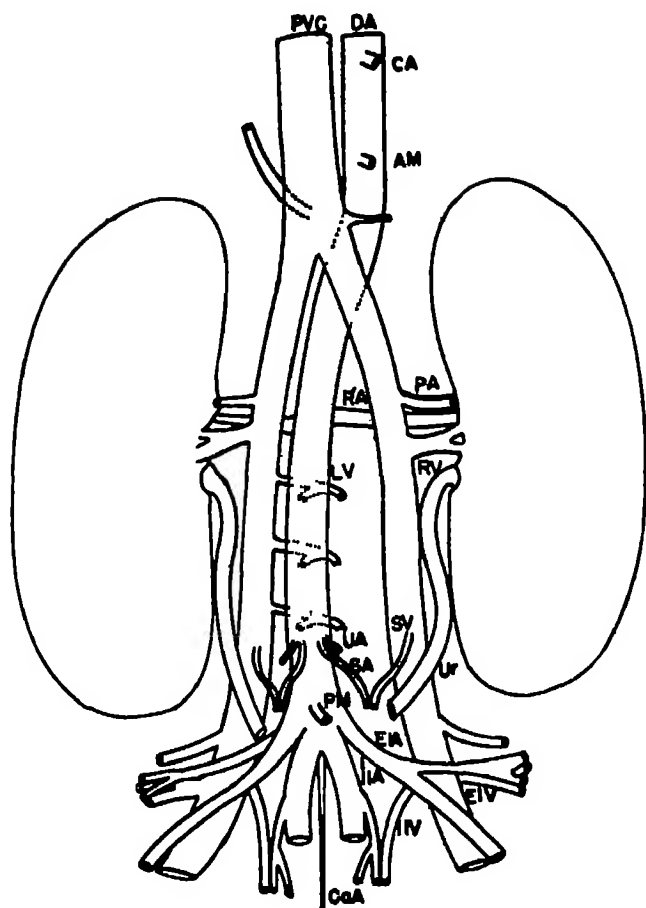


Fig. 1

Ventral view of the abdominal vessels in a full-term male pig. Lumbar arteries omitted and the persistent cardinals pulled laterally to show the vessels more clearly.

AM—Anterior mesenteric artery
 CaA—Caudal artery
 CA—Coeliac artery
 DA—Dorsal aorta
 EIA—External iliac artery
 EIV—External iliac vein
 IIA—Internal iliac artery
 IIV—Internal iliac vein
 LV—Lumbar vein

PA—Phrenico-abdominal vein
 PM—Posterior mesenteric artery
 PVC—Posterior vena cava
 RA—Renal artery
 RV—Renal vein
 SA—Spermatic artery
 SV—Spermatic vein
 UR—Ureter
 UA—Ureteric artery

According to McClure and Huntington's methods of interpretation and the figures of the developmental stages of the pig vena cava of Butler (1927), the specimen may be interpreted as follows. The only normal portion of the vena cava is derived from the pars hepatica. The subcardinal anastomosis to form the pars subcardinalis has failed except in the anterior end attached to the pars hepatica, so that even the renal veins empty into the separate venous trunks. Posterior to the renal region the relationships of the veins, the aorta, and the ureters indicate that the supracardinal veins are retained. There is no trace of the anastomosis which usually occurs between the iliac portions of the post cardinal veins. Thus except for the elimination of certain tributaries, the posterior vena cava in this specimen has not developed beyond the stage found by Butler (1927) in the 16-19 mm. pigs.

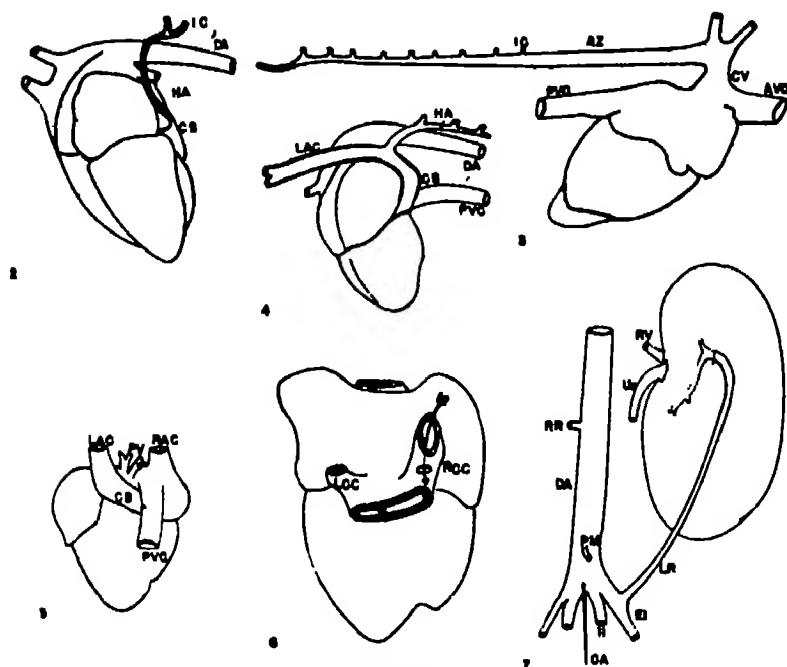
The extreme example figured is the only one of such extent found, but a less pronounced split in the vena cava is found in 6% of the pigs examined. All appear to be of the BC type. No anastomoses were found between the two trunks, although such connections are the rule in the cat and man. McClure and Huntington (1929) found that persistence of the supracardinals is the most common anomaly in the posterior vena cava of man, but in the cat was fifth in the list.

PERSISTENT LEFT COMMON CARDINAL

In normal cases the jugulars, brachials, internal mammaries, etc., fuse at the level of the first ribs to form the anterior vena cava, usually directly, although sometimes first forming two innominate which then fuse to form the single vena cava.

In the case represented in Figures 4 and 5, the tributary veins were normal and fused to form right and left trunks, but these instead of fusing continued separately to the heart. The right trunk opened into the right auricle in the position of the anterior vena cava (Fig. 5); the left trunk received the hemiazygos vein and emptied into an enlarged coronary sinus, which in turn opened into the right atrium. These three openings were separate as in the normal cases, although a slight sacculatation and the lack of pectinate muscles on the inner surface adjacent to the openings suggested the remnants of a common chamber between the large veins and the atrium.

This anomaly is clearly due to the failure to develop an anastomosis between the left and right anterior cardinals to shift the blood away from the left common cardinal (future coronary sinus) and thus to



Figs 2-7

AVC—Anterior vena cava

AZ—Azygos vein

CA—Caudal artery

CS—Coronary sinus

CV—Costocervical vein

DA—Dorsal aorta

EI—External iliac artery

HA—Hemiazygos vein

II—Internal iliac artery

IC—Intercostal vein

LAC—Left anterior cardinal vein

LCC—Left common cardinal vein

LR—Left renal artery

PM—Posterior mesenteric artery

PV—Pulmonary vein

PVC—Posterior vena cava

RAC—Right anterior cardinal vein

RCC—Right common cardinal

RR—Right renal artery

RV—Renal vein

UR—Ureteric vein

Figs 2 and 3 Persistent azygos vein

Lateral views of heart of male fetus, testes descended.

Fig 2, left side, Fig 3, right side

Figs 4 and 5 Persistent left common cardinal vein.

Fig 4, left side, Fig 5, dorsal surface

Fig. 6 Reconstruction of heart of 6-mm pig, showing perforation of right common cardinal vein

Fig. 7. Anomalous left renal artery in a fetus with testes descended.

force the atrophy of the left common cardinal except as a channel for the hemiazygos and coronary veins. According to Butler (1927), this anastomosis takes place in the 22-24 mm. stage. Similar anomalies have been reported in man, and one of the most recent of these reports (Chouke, 1939) contains a bibliography of the reported anomalies.

The persistent left common cardinal was found only once in two hundred dissections examined for this point.

VARIATIONS IN THE AZYGOS SYSTEM

In the majority of pigs the posterior group of intercostal veins empty into the hemiazygos vein (left azygos), which in turn empties into the coronary sinus. The opposite of this condition is one in which the hemiazygos vein is completely eliminated and the azygos (right azygos) vein receives all these vessels and empties into the costocervical vein of the anterior vena cava. Between these extremes are the frequent cases in which both azygos and hemiazygos are present (Figs. 2 and 3) and split the drainage area between them. In these cases anastomoses frequently occur between the two parallel veins.

The azygos veins are remnants of the paired supracardinal veins (Patten, 1927), and the variations are obviously due to variations in the atrophy of the veins which starts usually after the 35 mm. stage (Butler, 1927).

Minute remnants of either azygos vein were difficult to check with certainty, since the venous system in the pigs used was uninjected, but variations from the usual hemiazygos vein are present in at least 10% of the pigs.

ANOMALOUS RENAL ARTERY

The renal arteries normally arise from the aorta and pass directly to the kidneys, the only usual variations being slight changes in the symmetry between the two arteries. One specimen (Fig. 7) was found in which the right renal artery was normal, but the left renal artery was a very long vessel arising from the external iliac artery. It proceeded anteriorly beneath the dorsal peritoneum and passed between this peritoneum and the ventral surface of the kidney. The renal artery then plunged into the tissue of the kidney on the mid-ventral surface and there broke up into several large branches. All other arteries and the venous supply were normal.

A possible explanation is that in the early limb-bud stage the forming metanephros and limb-bud were supplied with blood by a common capillary net and this net happened to be retained on the left side in preference to branches coming from the dorsal aorta in conjunction

with the mesonephric arteries. With the remodelling and growth of the posterior part of the body, the artery naturally became greatly elongated.

PERFORATION OF THE RIGHT COMMON CARDINAL VEIN

This description is based on a reconstruction of the heart and large blood vessels of a 6 mm. pig, blotting paper soaked in wax being used instead of the usual wax-plate method (Fig. 6). This produces a very strong model suitable for class use, but is somewhat inaccurate in proportions as compared with the wax models. The relationship of parts, however, is shown clearly and accurately by this method.

A perforation was found in the base of the right common cardinal vein near its entry into the sinus venosus. Careful examination of the sections showed that the edges of this hole are smooth, not jagged and irregular as in breaks due to sectioning and mounting the embryo. Large numbers of the embryonic blood cells were found in the pericardial cavity, thus confirming the interpretation that the perforation was present while blood was circulating. The embryo was normal in all other respects. No cause for the anomaly is suggested.

SUMMARY

Dissections of the circulatory system of fetal pigs showed the following anomalies:

1. Persistent supracardinal veins in 6%.
2. Persistent left common cardinal in one case.
3. Presence of the azygos vein in addition to or instead of the hemi-azygos vein in 10%.
4. Left renal artery branching from the external iliac artery in one case.
5. A perforation in the base of the right common cardinal vein in one 6-mm. embryo.

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TAXONOMIC AND PATHOGENICITY STUDIES OF THE FUNGI WHICH CAUSE DECAY OF PEARS, IN WASHINGTON¹

W. HARLEY ENGLISH

During the present investigation, decaying pears were obtained from all of the more important pear-producing areas of this state. Isolations from 615 infected fruits yielded 75 distinct species or strains of fungi belonging to 22 genera, and all of the forms but 2 were found by reinoculation to be pathogenic to pears. Most of the isolates were members of the Fungi Imperfecti, several were Phycomycetes, and a few were Ascomycetes.

The following fungi are reported for the first time as causing a decay of pears in North America: *Alternaria mali* Roberts, *Aspergillus flavus* Link, *A. pyri* n. sp., *Cephalosporium* sp., *Gloeosporium* sp., *Helminthosporium* sp., *Hendersonia* sp., *Hormodendron cladosporioides* Sacc., *H. pyri* n. sp., *Mucor pyri* n. sp., *Neofabraea malicorticis* (Cordley) Jackson, *Penicillium chrysitis* Biourge, *P. cyclopium* Westling, *P. puberulum* Bainier, *P. roqueforti* (?) Thom, *P. terrestre* Jensen, *Phoma exigua* Desm., *Phomopsis ambigua* Trav., *Pleospora fructicola* Ruehle, *Pullularia* spp., *Sporotrichum malorum* Kidd and Beaum., *Stemphylium* sp. Several other species previously associated with a decay of this fruit have been isolated and their pathogenicity established. The fungi in this group are *Alternaria* sp., *Botrytis cinerea* Pers., *Cephalothecium roseum* Cda., *Cladosporium herbarum* Pers., *Fusarium* sp., *Monilinia* (*Sclerotinia*) *fructicola* (Wint.) Honey, *Mucor piriformis* Fischer, *Penicillium expansum* Lk., *Phoma mali* Schulz and Sacc., *Phytophthora cactorum* Leb. and Cohn, and *Rhizopus nigricans* Ehrb.

Blue mold was by far the most important type of rot found. The *Penicillium* spp. which produce this decay comprised more than half of the isolates, and the species *P. expansum* occurred much more frequently than any of the other *Penicillium* species. Gray mold, caused by *Botrytis cinerea*, was next in importance.

Pathogenicity studies revealed the fact that blue mold and gray mold developed more rapidly in Anjou pears than in the variety Winter

¹ Abstract of a dissertation submitted in partial fulfillment of the requirements for the degree of Doctor of Philosophy in Plant Pathology, State College of Washington (1940). A portion of this dissertation has been published as: Harley English and F. D. Heald. The fungi causing decay of pears in Washington. Abst. in Phytopathology, XXVI (1936), 92.

Nelis, and that *B. cinerea* caused decay in both varieties two or three times as fast as *P. expansum*. At laboratory temperature the more actively parasitic isolates, arranged in the decreasing order of the rate of decay, were as follows: *Rhizopus nigricans*, *Phytophthora cactorum*, *Monilinia fructicola*, *Botrytis cinerea*, a sterile fungus, *Mucor piriformis*, *Phomopsis ambigua*, *Alternaria mali* strain 4, *Aspergillus pyri*, *Helminthosporium* sp., *Penicillium expansum* and *P. terrestre*. All but one of the isolates were somewhat inhibited in their parasitic ability at common storage temperatures (40-54°F.). Storage of inoculated pears at 32-35°F. (cold storage) had a marked depressing effect on the activity of all of the fungi, and several were completely inactivated at this temperature. The most vigorous species in cold storage were *Mucor piriformis*, *Phoma mali*, *Botrytis cinerea*, and *Penicillium expansum*; those incapable of producing decay at this temperature were *Phytophthora cactorum*, *Rhizopus nigricans*, *Aspergillus* spp, *Helminthosporium* sp., *Penicillium tardum*, *Stemphylium* No. 2, and a sterile fungus.

Fourteen of 19 isolates applied to the surface of Anjou pears in the form of decayed tissue and incubated at 68-74°F. penetrated the fruit via the lenticels. Essentially the same results were obtained when inoculated fruit was held at 32-34°F. When Anjou pears were inoculated with spore suspensions of 17 of the fungi and incubated at 68-74°F., lenticel infections were produced by 11. In cold storage only 6 of 14 inoculants entered the lenticels. Humidity was found to be an important factor in determining the number of lenticel infections at the higher temperature, but raising the humidity of the cold storage chamber had little effect on the number of invasions. Bartlett pears inoculated with a spore suspension of *P. expansum* and incubated at room temperature showed numerous lenticel infections, but similarly treated fruit held in cold storage remained almost free from decay.

Methylene blue was found to be preferable to methyl blue as an indicator of the "open" and "closed" condition of the lenticels of the pear.

THE STATE OF MATTER AT A SOLID-LIQUID INTERFACE¹

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Measurements of the amount of unfrozen water existing at the interface of the charcoal-water and the silica gel-water systems were made at temperatures from 0°C. to -50°C. The experimental method consisted essentially in determining the weight of unfrozen water in a given weight of solid in the presence of an excess of liquid, the system being kept in equilibrium at various temperatures below the normal freezing point of the water. The procedure followed in a general manner that used by several investigators in the determination of bound water.

The water on silica gel proved to be more resistant to freezing than water on the surface of charcoal. Although it was possible to freeze all but a very small portion of the water in the charcoal at -25°C., relatively large amounts of water remained unfrozen in the silica gel at -50°C. This was attributed to differences in the attracting forces acting between the liquid and the surface of the solid. Water and silica gel, being similar types of compounds, exhibit stronger attraction for each other than do the unlike substances in the system containing carbon and water. A reasonable assumption being made that the surface areas of the charcoal and silica gel are approximately equal, a much thicker layer of water is found to be affected by the forces acting on the silica gel surface. A measure of the intensity of the binding may be obtained by comparing the slopes of the freezing curves of the two systems. These curves were obtained by plotting temperature decreases against grams unfrozen water per unit weight of adsorbant. For the silica gel-water system between -2 and -20°C., the slope is -.047 as compared to -.032 for the charcoal-water system; that is, with decrease in temperature the liquid water is being more rapidly removed from the charcoal surface. This condition results from a difference in the intensity of the binding forces. The greater the binding force the more the normal characteristics of the water are influenced.

¹ Abstract of a dissertation submitted in partial fulfillment of the requirements for the degree of Doctor of Philosophy in Chemistry, State College of Washington (1939). Will appear in condensed form as "Compressed Films at Solid-Liquid Interfaces" in a forthcoming issue of the *Journal of the American Chemical Society*.

The freezing curves of both systems show changes in slope near -2°C . and -20°C . The fact that these breaks divide the curves into three general regions may be interpreted as indicating that the interfacial forces cause the liquid to adopt three types or modes of molecular adjustment in the surface film. With the use of the low temperature pressure-temperature diagram for water as a basis for the argument, the three conditions postulated for the liquid molecules in the film are (a) subjected to small van der Waals adsorption forces but unoriented (b) oriented and more closely packed than in the bulk phase, and (c) chemically adsorbed.

From the data obtained it was concluded that water on the surface of silica gel is frozen with more difficulty than water on the surface of charcoal. Water in the interfacial layers of these systems is separated into three general classifications as indicated by changes in slope of the freezing curves. These changes were attributed to character of the attracting forces and to the degree of orientation of the water molecule.

December, 1940

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RESEARCH STUDIES of the STATE COLLEGE OF WASHINGTON

Volume VIII

December, 1940

Number 4

AN ECOLOGICAL DESCRIPTION OF DIVORCE IN SPOKANE, WASHINGTON¹

H ASHLEY WEEKS

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This paper reports some findings of a study of divorce rates in the city of Spokane, as follows: (1) the proportion of families in which a divorce has occurred, (2) the proportion of persons who have not remarried after a divorce; (3) the differential in divorce rates by areas within the city. An attempt will be made to describe the differences in distribution of the divorce rates and to point out certain social factors which apparently are associated with the distribution.

SOURCE OF DATA

There were on hand from a prior study² some 5811 questionnaires filled in by the students attending the public secondary schools in Spokane. A test of the representativeness of this sample showed that 92.5 per cent of the students in average daily attendance at the high schools of the city had filled out the questionnaires. There are, however, three parochial schools in Spokane on the high school level. In order to include these Catholic high schools, questionnaires were submitted to the students attending them. The two samples were then combined. All questionnaires marked by students who lived outside the city limits were excluded. An attempt was made to combine the questionnaires which were marked by two or more individuals in the same family. This was difficult to carry out, inasmuch as the questionnaires were

¹Miss Marty Mady and Mr. John Ellis, students in the Department of Sociology, deserve much of the credit for this paper. They spent much time sorting the questionnaires used in this study, made most of the tabulations, and ran practically all of the correlations. The author takes this opportunity to express his deep appreciation of their "spade work."

He acknowledges great indebtedness also to the principals of both the parochial and the public secondary schools in Spokane for permission to present questionnaires to the students. Without their interest and co-operation, this study could not have been carried out.

²H. Ashley Weeks and Margaret G. Smith, "Delinquency Areas in Spokane, Washington," *Research Studies of the State College of Washington*, VI (September, 1938), pp. 107-20.

anonymous. By comparison of street addresses and certain of the other information on the schedule, however, some duplication was eliminated.³ This procedure left a total of 6149 questionnaires which were usable in this study. It is felt that these questionnaires are fairly representative of all the families with children old enough to be in the secondary schools. The United States Census shows that a very high proportion of the population (95.6 per cent) in Spokane is still attending school through the seventeenth year of age.⁴

Data for this study were obtained from the responses to the three following series of questions, which had been included in the questionnaires filled out by the high school students:

(1) Do your own mother and father live together? If not, are they divorced? living apart without divorce? mother dead? father dead?

(2) Do you live with both your own father and mother? If not, are you living with your own mother only? father only? mother and stepfather? father and stepmother? in a foster home, in an institution, or outside any of the above?

(3) In what elementary school district do you live or what is your present address?

Responses to other questions were used in analyzing some of the data. These will be discussed later.

FINDINGS

1. *Proportion of families in which a divorce has occurred.*

Of the 6149 questionnaires which were usable in this study, 561, or 9.12 per cent, of the students reported that their own parents had been divorced. It is probable that about the same proportion of divorces exists among parents of secondary-school children as among married couples having children in the elementary schools and/or children not yet old enough to be in school.⁵ Among childless couples in Spokane,

³ Probably none of the proportions used later in this study would be affected significantly by the number of individuals in the same family. The proportions of brothers and/or sisters in the high schools of the city is probably about the same for any of the breakdowns used in this study. For this reason, the rates reported later would be relatively the same if all duplication could have been removed.

⁴ Calculated from the number of children reported to be attending school from seven through seventeen years of age. See U S Census Bureau, *Population*, III (1930), Table 15, p. 1229.

⁵ There may be some tendency for the divorce rate to be higher in families with children in the elementary schools and/or children not yet old enough to be in school, as most of the families with such children would constitute a group in which marriages took place more recently than they did in families with child-

the proportion of divorces is probably higher. Studies have shown that the divorce rate is 62 per cent higher for couples without children than it is for couples with children.⁶ If it can be assumed that this figure would apply also to childless couples in Spokane, the divorce rate among such couples in that city would be approximately 14.7 per cent. On the basis of the 1930 Census, this would mean that some 3700 family units in Spokane have been disrupted by divorce.⁷

2. *Proportion of parents who have not remarried after a divorce.*

How many divorced parents do not remarry? In order to secure an answer to this question a randomly selected 20 per cent sample was taken of the 6149 questionnaires.⁸ If the same proportions prevail as in the sample, and there seems to be no evidence that they do not, of the 561 children in Spokane living in homes in which their own parents were divorced, approximately 284, or 50.6 per cent, were, at the time they marked the questionnaires, living with mother alone; 30, or 5.4 per cent, with father alone; 169, or 30.1 per cent, with own mother and stepfather; and 23, or 4.3 per cent, with own father and stepmother. The remaining 54, or 9.7 per cent, of these students were living in a foster home, in an institution, or outside of any of the other categories.

From this analysis it seems reasonable to infer that, of the 561 students who reported that their own parents were divorced, at least 192, or 34.4 per cent, had a parent who had remarried after the divorce, as indicated by the presence of a stepparent.⁹

On the other hand, in 314, or 56.0 per cent of the families which these students represented, one (or both) of the parents had not re-

ren in the secondary schools. The divorce rate for more recent marriages is higher than it is for marriages which were solemnized at an earlier date. For example, the divorce rate for marriages which took place in 1930 is probably higher than it is for marriages which took place in 1920. This assumption is made because the divorce rate has been increasing from year to year. The facts reported here, however, would not be materially altered if this is so.

⁶ See, for example, Alfred Cahen, *Statistical Analysis of American Divorce*, New York (Columbia University Press, 1932), p. 112.

⁷ Calculated from the number of families listed as residing in Spokane in 1930. The Census reported 31,897 families in Spokane in 1930. U. S. Census Bureau, *Families*, VI (1930), Table 4, p. 1402.

⁸ This sample was tested for representativeness to the whole group of 6149 questionnaires on some known categories with the result that similar distributions would be expected to occur about 95 to 98 times in 100. The familiar Chi square test was used to test this representativeness.

⁹ Probably a considerable proportion of the parents of children in foster homes (9.7 per cent) have remarried. There is no way from the available data to ascertain what this proportion is.

married.¹⁰ It would be interesting to know whether more men than women remarry after a divorce. All that can be ascertained from this study is that there is a large proportion of mothers (50.6 per cent) who have not remarried. It is also known that at least 5.4 per cent of the fathers have not remarried. There is no way of ascertaining from these data how many more of either the mothers or the fathers have not remarried, but at least the proportions of children who are living with either parent alone represent the proportions of either parent who have not remarried. The differences in these proportions may be due to the fact that at the time of the divorce the mothers are given the children to support in the majority of cases. At least an interesting sidelight on the divorce situation can be seen from these figures, which indicate that the mother retains custody of the children in a much higher proportion of cases than does the father. Children are living with their own mothers in 80.6 per cent of the cases, whereas they live with their own fathers in but 9.7 per cent of the cases. Evidently the mores still sanction overwhelmingly the idea that the mother should have custody of the children. In 1896 the Supreme Court of the State of Washington actually ruled as follows: "The care and custody of children of tender years should be awarded to the mother upon the granting of a divorce, when it is not made to appear that the mother is not a proper person to have the care and control of her children."¹¹

First, it is significant that, in 56.0 per cent of the divorced families, there is a parent who has not remarried, for then it can be estimated that as the result of divorces, 5.11 per cent, or approximately one in 20 of the families represented by the children in the high schools of Spokane, are living with only one parent. Secondly, it is rather amazing that as many as half of the mothers of these children have not remarried after a divorce.

3. *Differential in divorce rates by areas within the city*

In order to ascertain whether the divorce rate was fairly uniform over the whole city or tended to concentrate in certain sections, all the

¹⁰ Of course, some of these parents may have remarried and the second husband or wife may have died, been divorced, or separated; but the proportion where this might have happened is probably too small to change these results significantly.

¹¹ *Smith v. Smith. Reports of Cases Determined in the Supreme Court of the State of Washington*, Vol. XV (ed. Eugene G. Kreider, Court Reporter) (Seattle and San Francisco, 1897), p. 237. See also Mae Mark Nalder and Marjorie J. Smith, "Laws of the State of Washington Relating to Children," *Research Studies of the State College of Washington*, VIII (1940), p. 229.

usable questionnaires were sorted into the elementary school districts in which the students resided, and the percentage of students who reported that their own parents were divorced was calculated for each district ¹²

Table I shows that, of the thirty-four school districts of the city, certain ones have much higher divorce rates than other school districts. The rates by school districts range from 3.19 per cent to 20.3 per cent. The highest rate in the city is six times as high as the rate in the lowest area.

Table I
Number of School Districts with Specified Divorce Rates in the City of Spokane, Washington

<i>Divorce Rates</i>	<i>Number School Districts</i>
3 - 4.9	3
5 - 6.9	7
7 - 8.9	8
9 - 10.9	8
11 - 12.9	4
13 - 14.9	2
15 - 16.9	1
17 - 18.9	—
19 - 20.9	1
Total	34

The median rate is 8.75, but one quarter of the districts lie above 10.75 and one quarter below 6.50

In order to see whether these high- and low-rate districts formed any consistent pattern in the city, school districts were grouped together into tiers. All school districts which included and immediately surrounded the center of the city were grouped into Tier I. The districts contiguous to Tier I were grouped together into Tier II. In like manner were formed Tiers III and IV. Table II presents the divorce

¹² Although there are 36 school districts in Spokane, the number was reduced to 34 by combining some districts. The Field, Madison, and Willard school districts were grouped together because of the smallness of the school population in Field and Madison, and the fact that these schools do not have all the grades.

There were 334 school children who could not be grouped into districts because they neither reported the school district they lived in nor gave their addresses. It is felt that this would not materially affect the rates reported, as the various schools seem to show about the same percentage of cases giving no information in regard to this factor.

Table II
Divorce Rates of School Districts in Spokane Grouped by Tiers

Tier I	Tier II			Tier III		Tier IV	
Washington Lincoln McKinley Stevens	20.3 14.2 15.2 12.5	Whittier Irving Roosevelt Grant	7.5 11.6 5.8 5.4	Wilson Hutton Franklin	6.3 5.1 4.4	Jefferson Adams	10.9 9.7
South-Side Total	15.3	Edison Sheridan	12.3 6.8	South-Side Total	5.3	South-Side Total	10.3
Bryant Bancroft Webster	13.9 9.7 5.8	South-Side Total	7.7	Hamilton Emerson Whitman Regal Longfellow	7.4 9.8 11.00 9.0 10.8	Browne and Finch Field, Madison and Willard Arlington Columbia and Cooper	8.4 9.1 3.2 7.1
North-Side Total	10.1	Holmes Audubon Garfield Logan Bemis	9.6 6.6 8.3 7.3 7.6	North-Side Total	9.7	North-Side Total	7.8
Tier Total	12.7	North-Side Total	7.9	Tier Total	8.2	Tier Total	8.4
		Tier Total	7.8				

rates for each school district grouped together into tiers, which are separated into two parts according to location of districts on the north or the south side of the Spokane River. Considering first the tiers as a whole, it can plainly be seen that the rate for Tier I is much higher than that for any other tier. Tier II shows the lowest rate. Tiers III and IV, respectively, show slight increases over Tier II. If the rates for the north and the south side within each tier are compared, it is evident that the trend is not the same for both sides of the city. Both the north and the south side of Tier I show the highest rate. The south side of Tier I, however, shows a much higher rate than the north side of the same tier. Tier I has a rate of 15.31 on the south side, as compared with a rate of 10.09 on the north side. This may be partly explained by the fact that the southern section of Tier I includes all of the business and industrial areas of this tier. The rates for Tier II are nearly the same on the two sides. In Tiers III and IV there are marked contrasts between the north and the south sides. In Tier III the rate on the south side is only slightly more than half the rate on the north side, but in Tier IV the south-side rate is considerably larger than the north-side rate. Thus instead of the pattern for the tiers as a whole, which is 1 - 4 - 3 - 2, the south-side pattern is 1 - 4 - 2 - 3, and the north side is 1 - 3 - 2 - 4.

Apparently divorce rates are not distributed in the uniform pattern which has been found for delinquency rates. It has been found in almost every study that delinquency rates decrease rather uniformly from the center of the city toward the periphery. In Spokane, for example, these same tiers show delinquency rates of 6.9, 4.9, 3.4, and 2.3, respectively, as the periphery of the city is approached.¹⁸ Divorce rates do not decrease uniformly toward the periphery of the city. Those districts in and around the city center, however, show uniformly high rates. Five districts out of the seven in Tier I fall in the quarter of the districts with rates above 10.75.

The rates in individual districts within each tier show some large differences. Even though most of the districts in Tier I show very high rates, Webster District, just north of the city center, shows the very low rate of 5.77. In Tier II the rates in most of the south-side districts fluctuate around the average for the tier as a whole (7.72), but two of

¹⁸ See Weeks and Smith, *op cit.*, p. 111, for a full description of this distribution. Reference to the map of Spokane included in that study, p. 113, will also help to clarify the discussion of the distribution of divorce rates.

the districts, Edison and Irving, have rates of 12.32 and 11.59, respectively. In the other tiers there is also a considerable amount of variation.

Why do these districts vary as they do? Possible explanations may be found in the analysis by districts of the following five factors: (1) residential quality, (2) proportion of rented homes; (3) proportion of Catholics; (4) proportion of white-collar workers; (5) proportion of foreign-born.

It can be seen from Table II that Webster, Roosevelt, Grant, Hutton, Franklin, and Arlington districts all have divorce rates below 6.00. With the exception of Webster and Arlington, all these districts would undoubtedly be classed as comprising the best residential area in Spokane. These districts are located on the south side of the city and have a fairly high property valuation. On the other hand, Washington, Lincoln, McKinley, Stevens, Bryant, Irving, Edison, Whitman, Longfellow, and Jefferson all have rates above 10.00 and are obviously poorer residential areas. It has already been pointed out that the first three of these districts fall largely within the main business and industrial sections of the city. Stevens, Bryant, Irving, and Edison also have large proportions of their land area given over to industrial pursuits of various kinds.¹⁴ Thus divorce rates apparently vary with the residential quality of the district.

As might be expected from the analysis of residential quality, most of the low-divorce-rate districts show low percentages of rented homes. In the majority of these districts, only about 25 per cent of the homes are rented, whereas in the majority of the high-divorce-rate districts the proportion of homes rented is above 40 per cent. It would seem, therefore, that there is a positive association between home rental and divorce rates.

There seems to be some evidence that the divorce rate varies inversely with the percentage of Catholics residing in a district. The high-divorce-rate districts in Tier I show comparatively low percentages of Catholics. Webster district, on the other hand, which has been shown to have a very low divorce rate, has the highest percentage of Catholics (51.28) of any district in the city. Although no other district has nearly so large a percentage of Catholics as Webster, there does seem to be a slight tendency for the districts with high divorce rates to have rela-

¹⁴ See a map of Spokane which shows the zoning of the city and the use of land. Such a map can be procured from the City Planning Council.

tively low percentages of Catholics, whereas those districts with low divorce rates seem to have relatively high percentages of Catholics.

From a cursory comparison of the divorce rates with the percentages of white-collar workers and of foreign-born, it cannot be ascertained whether or not there is any appreciable association.

In order to secure an index of the extent of association throughout the city between the divorce rates and these five factors, correlation coefficients were calculated. As there is no way at present to measure residential quality, the percentage of homes rented was allowed to represent this factor as well as the amount of rental, as it seems logical to assume that there is a high association between residential quality and homes rented.

Table III presents the coefficients of correlation found between divorce rates and each of the four other factors. The highest coefficient of correlation is that between divorce rates and percentages of homes

Table III

Correlation coefficients between the Divorce Rate and Four Factors with the Coefficients of Correlation between the Factors*

	<i>Divorce</i>	<i>Rental</i>	<i>Catholic</i>	<i>White-collar</i>	<i>Foreign-born</i>
Divorce	—	63	—23	—15	08
Rental	63	—	11	00	—07
Catholic	—23	11	—	—11	03
White-collar worker	—15	00	—11	—	—55
Foreign-born	08	—07	03	55	—

* Correlations between the variables associated with divorce rates are given in order that the concomitant associations may be derived

rented. Apparently the factor of rental has more to do with the differential in divorce rates than have the other three factors. The second highest coefficient is that between divorce rates and percentages of Catholics. This correlation coefficient is negative, which means that as the percentage of Catholics increases the divorce rate decreases. Although this correlation is fairly low, it shows that the proportion of Catholics does have some effect on the variation in the divorce rates throughout the city. There seems to be a slight negative association also between divorce rates and percentages of white-collar workers. The coefficient is very low, but the fact that it is negative indicates that there are relatively few divorced persons living in districts where the

proportion of white-collar workers is high.¹⁵ No significant association was found between divorce rates and percentages of foreign-born.

It is possible that the association found between the divorce rates and each series—that is, the percentages of homes rented, Catholics, and white-collar workers—is the result of a concomitant association between these factors. For example, the fact that the divorce rate is associated with both rental and Catholics might be due to an association between the latter two. (See Table III for the correlations between the three factors associated with the divorce rates.)

To cancel the effect of possible concomitant association, a partial correlation between divorce rates and percentages of Catholics was run, the factor of rental being "held constant." This raises the coefficient from $-.23$ to $-.39$ because of the slight positive association between percentages of homes rented and percentages of Catholics (.11). When a partial correlation between divorce rates and percentages of homes rented was likewise run, the percentages of Catholics being "held constant," the resulting coefficient was raised only from .63 to .68. From this it can be inferred that the divorce rate is affected by the percentage of Catholics more than was originally apparent, as part of this association was hidden in the positive association between Catholics and rental.

As can be seen from Table III, there is no association between rental and white-collar workers; and the partial correlation between divorce rates and percentages of white-collar workers, with the percentages of Catholics "held constant," does not appreciably change the original correlation coefficient.

The multiple-correlation coefficient representing the combined effect on the divorce rates of the two variables, rental and Catholics, is .70. From this coefficient it can be determined that approximately half of the variation in the divorce rates is accounted for by the combined effect of these two factors.¹⁶

A word of caution needs to be given at this point. It should not be inferred from the data presented in this paper that any of these factors has necessarily anything to do with the causes of a divorce. It should be remembered that the associations shown between divorce and these

¹⁵ This finding tends to be supported by a study the author is making in which divorce rates are classified by religious affiliation and then by occupational groups. Regardless of religious affiliation, there are lower divorce rates in the white-collar group than in the laboring group.

¹⁶ The square of the correlation coefficient gives the percentage of the variation in the dependent variable which is accounted for by the independent variable.

three factors are related to conditions after a divorce was secured. These same factors may not have prevailed at the time of the divorce.

It is instructive that the indices which have been used do show a rather high association with the variation in the divorce rate from area to area in the city. Probably further studies may indicate still other factors which are associated with this variation in the divorce rates. It is hoped that this description will serve as an incentive to other students to carry the analysis further. The analysis indicates one approach to the problem which appears to give fairly interesting results.

LESSING AND HAWKESWORTH

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A portion of the love story in Lessing's *Nathan der Weise* (1779) may have been suggested by John Hawkesworth's *Almorán and Hamet: an Oriental Tale* (1761), especially by Chapters V and VI.¹ In both works the young man (Curd in the former and Hamet in the latter) falls in love with the girl (Recha in the former and Almeida in the latter) as a result of rescuing her from fire. On the other hand, in Voltaire's *Zaïre*, which is probably the main source of Lessing's love story,² that incident does not occur. Several similarities in specific details not to be found in *Zaïre* can also be pointed out:

<i>Nathan</i>	<i>Almorán and Hamet</i>	<i>Zaïre</i>
Curd has never seen Recha before the time of the fire.	Hamet has never seen Almeida before the time of the fire	Nerestan has known Zaïre for a long time.
The fire occurs at night	The fire occurs at night.	Not in <i>Zaïre</i> .
Nathan is completely wrapped up in Recha, his	Abdalla is completely wrapped up in Almeida,	After Zaïre's infancy, she and her father, Lu-

¹ Chronology precludes that Lessing could have used for *Nathan der Weise* Samuel Jackson Pratt's dramatic version of *Almorán and Hamet*, published in 1781 as *The Fair Circassian*.

² Cf. Erich Schmidt, *Lessing's Geschichte seines Lebens und seiner Schriften*, 4th ed., ed. Franz Schultz (Berlin, 1923), II, 330-31. Incidentally, to Schmidt's list (*op. cit.*, II, 330-33) of literary works containing the motif of a brother falling in love with his own sister should be added John Dryden's *Don Sebastian* (1690) and *The Spanish Friar* (1681). The German dramatist almost certainly knew these two plays; see my "A Possible Source of Lessing's *Horoskop*," *Research Studies of the State College of Washington*, VI (1938), 127-28. Both pieces deal with the contact of Christians with Mohammedans.

foster daughter

his daughter

signan, are lost to each other until a few moments before his death

Because of a social barrier (a supposed difference in race and religion), Curd at first hesitates to reveal his love

Because of a social barrier (difference in social rank) Hamet at first hesitates to reveal his love

Nerestan and Zaïre were lovers for some time in the past, but, before the play opens, she has already given him up and loves Orosman

Not in *Zaïre*

When Nathan comes to thank the rescuer, he is self-conscious and somewhat embarrassed "Das ein Mensch doch einen Menschen so verlegen soll machen können!" (II, v)

When Abdalla comes to thank the rescuer, he is self-conscious and somewhat embarrassed Hamet "observed some marks of haste and confusion in his countenance" (Vol I, p 72)

Recha is youthful, soft, and impressionable "Das Mädchen, ganz Gefühl" (II, v)

Almeida is youthful, soft, and impressionable "the youthful beauty of Almeida the tender sensibility of her heart" (Vol I, p 80)

Zaïre seems a little older, more mature, more sophisticated, and more aggressive

There seems to be no external evidence that Lessing was acquainted with *Almorán and Hamet*. He had read so much English drama¹ and fiction, however, that his familiarity with Hawkesworth's romance is highly plausible. Concerning the circulation of the Tale, *The Dictionary of National Biography* comments as follows: "[In 1761] he published 'Almorán and Hamet, an Oriental Tale,' London 16 mo, 2 vols. This story attained a considerable share of popularity, a second edition being published a few months after the first. It is stated in Baker's 'Biographia Dramatica' that it was originally written by Hawkesworth in 1756 as a drama in three acts."² The fact that *Almorán and Hamet* has an Oriental setting increases the probability that Lessing utilized it in *Nathan*, for he was very fond of combining material from two or more works having some feature in common.³

¹ For instance, see my "The Sources and Basic Model of Lessing's *Miss Sara Sampson*," *Modern Philology*, XXIV (1926), 84-85

² New York, 1885 ff, Vol XXV (1891), p 204

³ See my "Lessing's Early Study of English Drama," *Journal of English and Germanic Philology*, XXVIII (1929), 18-19

SUPPLEMENT
to
Volume VIII, Number 4

ANNOUNCEMENT

**The Graduate School of Social Work,
State College of Washington, plans to
publish, from time to time, supplements
for changes in the laws of Washington
relating to children.**

LAWS OF THE STATE OF WASHINGTON RELATING TO CHILDREN

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INTRODUCTION

This collection of laws relating to children was prepared under the auspices of the Graduate School of Social Work of the State College of Washington. It is designed primarily for persons who, in their daily work, need to refer to legal sources for guidance in child-welfare matters. The teacher, the social worker, the nurse—all are feeling the necessity for greater understanding of the legal status of the child today. Certainly a sound knowledge of law as it affects children will enrich the background of all workers with children. Changes in legislation have come so rapidly in the past few years that even those who are actively engaged in administering laws affecting children can scarcely keep up with changing philosophies and fast-moving trends. It is recognized, too, that most persons not trained in the law have difficulty in reading legal material. The *wherefore's*, *provided's*, and *whereas's* serve only to confuse and confound. In this study an attempt has been made to rewrite the statutory material in a layman's vocabulary without changing the technical meaning. For the same reason, the excerpts from court decisions are brief statements of significant points in as simple language as possible, and the decisions selected for use have been chosen on the basis of what might best illustrate, clarify, or substantiate the statute.

In respect to general content, the reason for the selection of the various topics should be stated. Two criteria were used in judging the material to be included. Each subject had to justify its place either by being information that would enrich the general background of the children's worker or by being information that would be actually needed by the practitioner in his daily work. For instance, often it is necessary to know the exact regulation in regard to compulsory school attendance in reference to the problem of some specific child. On the other hand, a knowledge of school

¹Mrs. Nalder had chief responsibility for the statutory material, and Miss Smith for the court rulings. Acknowledgements are gratefully made to Miss Clara Douglas for valuable advice and other assistance in all stages of the project and to Miss Margaret Linman and Mrs. Ethel Wood for help in the technical preparation of the original manuscript.

finance and administration will give to the child-welfare worker a far greater understanding of the importance of regular attendance at school. Such a worker, naturally, knows the value to the child, but, without the broader knowledge, he does not know the attitude of the community and the school administrator, who may be thinking in terms of financial gain in the way of the state funds granted on the basis of attendance, as well as benefits to the child.

In the preparation of this work, particular attention had to be given to the accessibility of content once it was compiled. Ease of finding any particular provision is especially necessary for the busy worker in his daily work. From this standpoint it is hoped that the worker will find the detailed index of value, and that there is a reasonable continuity of subject matter.

It must be pointed out, too, that in the statutes there is much overlapping and repetition. Accordingly, in the present work the attempt has been made to avoid duplication, but it is hoped that, by frequent cross reference, the meanings will be clear.

Probably such a thorough and detailed compilation as this brings to mind more forcefully the need for codification and simplification of the statutes relating to children. The sources of this material are Remington's *Revised Statutes of Washington*² and the *Washington Reports. Cases Determined in the Supreme Court of the State of Washington*.³

The statutes are presented according to the following topics:

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² By Arthur Remington, Court Reporter, 12 vols, San Francisco, 1932-33 (with supplements bringing the statutes to date)

³ By Eugene G Kreider, Arthur Remington, and Solon D Williams, Court Reporters, 203 vols to date (1940), Olympia, Wash., San Francisco, Calif, and Seattle, Wash., 1891 to date

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1. ACCIDENTS

Action for Damages (183)⁴. When a person's death is caused by the wrongful act, neglect, or default of another, action for damages may be brought by the personal representative of the deceased against the person causing the accident, even though the death was caused under circumstances that amounted to a felony.

Beneficiaries (183-1)⁵ All actions for damages shall be for the benefit of the surviving spouse or the children of the deceased. If no spouse or child survives, then the action shall be for the benefit of such parents, sisters, or minor brothers of the deceased as were dependent on him for support and who were residents of the United States at the time of his death.

⁴Numbers refer to sections in Remington's *Revised Statutes of the State of Washington*.

⁵According to Remington's numbering system, a section whose number contains a hyphen follows the section whose number is the same as the portion preceding the hyphen. Thus 183-1 follows 183, but precedes 183-2 and also 184.

Effect of Death (194). No action for personal injuries shall be considered illegal on account of the death of the person injured if there survive a wife, child, or other dependents as mentioned in Section 183-1, but it shall be brought or continued, as the case may be, by the legal representative in favor of the dependents of the deceased.

Action by Parent (184). A father, or in case of his death or desertion, the mother may bring action for the injury or death of a minor child or of a child supporting such parent. An unmarried mother has the same rights.

School District's Responsibility. See "Accidents" under EDUCATION (Topic 12).

Dangerous Occupations. See "Accidents" under LABOR (Topic 19).

Damages for Employee. See "Accidents" under LABOR (Topic 19).

Court Rulings

"When a minor is injured, two causes of action arise; one in favor of the minor for pain and suffering and permanent injury; the other in favor of the parents for loss of service during minority, or expense of treatment":

Annie Harris v. Puget Sound Electric Railway. 52 Wash. 299 (1909).

See also:

Cleveland v. Grays Harbor Dairy Products, Inc. 193 Wash. 122 (1938).

Armstrong v. Spokane United Railways. 194 Wash. 353 (1938).

2. ADOPTION

General

Petition for Leave to Adopt (1696 Supp.*). Any unmarried resident of the state or any husband and wife, jointly, who are residents of the state may petition the superior court of the county of his or their residence, or of the residence of the person to be adopted, for permission to adopt any person and to change his name if desired. Either spouse may adopt the child of the other.

Written consent is required as follows:

- a. Of the person to be adopted if he is fourteen years of age or over.

*"Supp." refers to the Supplement in the back of each volume of Remington. It contains the statutes passed since the 1932-33 (revised) edition of the work.

- b. Of each of the living parents if the person to be adopted is under twenty-one years of age.
- c. Of the unmarried mother of the child to be adopted if the child is under twenty-one years of age.
- d. Of each of the divorced parents when the custody and control of the child is divided between them; and of each when one has been awarded the custody and control and the other has been given only visitation privileges. If one of the parents has been deprived of custody and control and also visitation privileges, his consent is not required, but he shall be notified of the hearing and be given an opportunity to be heard.

Exceptions: Consent is not required from a parent who has been adjudged to be feeble-minded; or who, at least a year prior to the adoption proceedings, had been adjudged to have been insane and who has not since been found by competent authority to be sane; or who is deprived of civil rights; or who had deserted the child without having made provision for its support. In any of these cases in which the parent's consent is not required, if the child has a legal guardian, the latter's consent shall be secured, or if there be no guardian, then the court shall appoint a suitable person to act in the proceedings as the next friend of the child.

Court Proceedings (1698 Supp.). Investigation: The court may at its discretion appoint a suitable and disinterested person to act as its adviser in regard to the fitness and propriety of the relinquishment of the child by the parents and its adoption by the petitioners. The person appointed shall make an investigation of the child's personal and family history and of the petitioners' ability to rear and educate the child properly and in keeping with the degree and condition of the child's parentage. The investigation shall be sufficient to acquaint the court with the information reasonably necessary for its decision.

Court Order: If the court is satisfied with the findings, it issues an order setting forth the facts and declaring the child to be the legal child of the petitioners and changing its name to theirs.

Petition Denied: If the petition is denied by the court for any reason, a notice of the denial, together with the court's reason for the

denial, shall be sent to the persons affected and an opportunity for a hearing be given them.

Hearing Private: All hearings on adoption shall be private with only the interested persons admitted.

Court Commissioners: See Topic 8 below.

New Relationships and Property Rights (1699). After the adoption the natural parents lose all legal rights in respect to the child and are relieved from any obligations toward it. The child in turn becomes free from all legal obligations to obey or to support them. It becomes the legal heir of the adoptive parents and is entitled to all the rights and privileges and is subject to all the obligations of a child born to them. Former relatives of the adopted child, however, are not legal heirs to the property of the child's adoptive parents.

Certificates (6013-1 Supp.). *Adoption Certificate:* A certificate of the adoption decree shall be filed with the Division of Vital Statistics of the State Board of Health.

New Birth Certificate: A new certificate of birth shall be made for the child bearing its new name, and giving its age, sex, and date of birth, together with the names of its new parents. No mention shall be made of the adoption in the new birth certificate, nor shall there be any difference in the color of the certificate to show whether the child's parents were married to each other or not at the time of the child's birth. The original birth certificate shall remain a record in the office of the State Board of Health.

Protection of Orphan, Homeless, and Neglected Children

Adoption by Incorporated Society (1700) (1700-1 Supp.). *Authority to Adopt:* Any benevolent society incorporated under state laws for the purpose of receiving, caring for, or placing out for adoption, or improving the condition of orphan, homeless, neglected, or abused minor children has the authority to receive children under eighteen on receipt of the surrender of the child, given in writing by any of the following in the order given:

- a. The parents or the legal guardian.
- b. Either parent in case of the death, legal incapacity or abandonment of the child by the other parent.
- c. In case the parents or guardian are not known, then by the judge of the superior court after he has published a notice of

the hearing in any newspaper of general circulation in the county, and if he thinks the welfare of the child warrants it.

Court Order Necessary: It is unlawful, however, for any society or person (other than the child's parents) to assume, or for any parent to relinquish the permanent care of the child without having first obtained a written order from the superior court to do so. The exception to this is when one spouse petitions the court to adopt the child of the other spouse; then no order of relinquishment is necessary, but the verified signature of the parent spouse in the petition to adopt and the written order of adoption as given by the court are sufficient to show the parent's consent and the court's authorization.

Parents' Rights Cease: When any child has been surrendered by the parents and received by the society in accordance with the above provisions, the rights of the parents or the guardian cease. The society then assumes the custody of the child with the right to care for and educate it, or place it in a suitable private home, either temporarily or permanently, as the welfare of the child dictates. The society may also consent to its adoption under the procedure as established by the laws of Washington.

Custody Terminated: The court, however, upon the complaint of any person that the society's custody is not for the best interests of the child, may at any time investigate the conditions, and if it thinks best, terminate the custody of the society or person over the child.

Private Hearings: As in regular adoption hearings, all court proceedings shall be private and not open to the public unless the presiding judge so directs.

Society's Records (1700-2 Supp.). All persons and institutions receiving, securing a home for, or otherwise caring for a minor child shall keep a complete record about the child, the record to include the following information:

Parents: Names, ages, present and former addresses, occupations, and character.

Child. Name; date of birth; date and manner of reception; date of placing for adoption, together with the name, occupation, residence of any and all persons with whom the child is placed; reasons for each placing and the date and cause of the cancellation of all such placings; the date and by whom the child is legally adopted; and the history

of the child over the period that the child is under the care and custody of the institution or person.

Divulging Court Records (1700-3 Supp.). It is unlawful to divulge the contents of any court record on adoption or any institution's records about a child, except on the written order of the court, given on a petition which must show the court that the divulging would benefit the child.

Unlawful Placing of Infants (1700-4 Supp.). *Relinquishment Order:* It is unlawful for any maternity hospital licensee, physician, nurse, midwife, or any other person, directly or indirectly, to dispose of infants by placing them out for adoption until after the order of relinquishment shall become final. This does not apply, however, to spouses where both of them live in the same house in which the child is to be placed.

Illegal Inducements: It is also unlawful for any licensee to encourage or induce any woman to go to the licensee's maternity hospital by offering or promising to dispose of her child by adoption or otherwise, or to advertise that she will do this.

Final Court Orders (1700-5 Supp.). *Investigation Period Limited:* No order of relinquishment or transfer shall become final until ten days have passed since the entering of the order. This period defines and limits the time which the court has for the investigation to determine the wisdom of the adoption of the child. This period, however, may be lengthened to a time not to exceed ninety days if the investigation requires the extension of time. During this period and until the order for adoption is made, the child is considered the legal child of the persons attempting to relinquish it.

Order Denied: If no order for adoption is entered, the court may consider the child as a dependent one and make the proper commitment.

Waiver by Parents: When the petition for adoption is filed, the court enters its order of relinquishment and transfer, provided a written waiver of the parents was filed with the order of adoption.

Violation of Law (1700-6 Supp.). Violation of any of these above provisions constitutes a gross misdemeanor.

Neglected Children Taken into Custody (1701). A child is taken into custody by the superior court on a warrant issued by the court, based upon a written complaint made by any person other than an officer or agent of any above-mentioned society, that the child's parents are either dead, have deserted or are abusing it, or are not

fit to care for it. A hearing of the case is scheduled to which a five-day notice is given the parents, guardian, or a near relative of the child. Upon the basis of this hearing and on what seems to be for the best interests of the child, the court may deprive the parents of the care and custody of the child and commit it to a society willing to receive it. The society has similar rights as it would have had if the parents had voluntarily relinquished it. Or the judge may turn the child over to the board of county commissioners, who may dispose of it without any further notice to the parents or guardian.

Surrender of County Charge to Society (1702). The board of county commissioners may, if they think the welfare of the child requires it, surrender a child who is a county charge to a benevolent society or corporation for the care of children. Before doing so, however, they shall give a twenty-day notice of the surrender to the parents, guardian, or near relative, who have this time in which to relieve the county of the care of the child in a way that is satisfactory to the court. When thus surrendered to the society, the child may be disposed of as provided above (Section 1700).

Investigation of Neglect (1703). On the request of an official of any society, a police or other peace officer shall investigate the abuse or neglect of any child, and, if the situation warrants it, shall take it into custody without a warrant, reporting his action at once to the superior court.

Suspension of Minor's Sentence (1704). When any orphan, homeless, or neglected minor under eighteen is convicted of a charge that carries with it imprisonment in the reform school, the judge of the superior court, instead of sending him to the school, may suspend the sentence and give him into the custody of a society willing to receive him to keep until he becomes of age or for any designated time, provided the welfare of the child demands it and his parents consent. No parental rights except custody, however, shall be affected. The society may with the approval of the court place the child in a home willing to receive it for the term fixed by the court. If the child fails to conform, he may be brought again before the court for sentencing to the reform school or resurrender to the society.

Child's Estate (1705). The society does not have any right to control the estate of any child in its custody.

Habeas Corpus Hearing (1706). If, at a hearing on a writ of habeas corpus for the custody of a child, it is shown that it has been surrendered to an incorporated society under the provisions of sections 1700 to 1704, the surrender itself shall be evidence that it was legal, and the corporation is entitled to the custody and control of the child

Expenses (1707). The county shall pay the costs of bringing the child before the court and of its care pending a hearing, as well as of its care in a society for the period before the society places it in a family. The amount to the society shall not exceed fifty dollars (\$50.00) for any one child. No officer or agent of any such society, or any public officer, shall charge any costs except when a complaint is found to be without sufficient cause and is malicious, in which case all the costs are charged against the complainant.

Court Rulings

The right to adopt a child is unknown to the common law and rests entirely upon the statute, with which it must comply :

In re Renton 10 Wash 533 (1895)

See also :

Wall v Estate of Mary McEnnery et al. 105 Wash 445 (1919)

In re Reimer's Estate 145 Wash 172 (1927)

Fields v. Fields 137 Wash 592 (1925)

The courts have no jurisdiction to entertain a petition by non-residents to adopt a child, as the statute limits the right of adoption to residents of the state :

Knight v Galloway 42 Wash. 413 (1906).

The written consent to adoption by the mother of an illegitimate child may be revoked at any time before a legal adoption takes place :

In re Nelms 153 Wash. 242 (1929)

When the mother in a written statement gives up all claim to her infant child who is then delivered to a foundling home, this is regarded as sufficient consent to a later adoption of the child, and there is no necessity of a notice to the mother :

In re Rising 104 Wash 581 (1919).

The natural parent, by voluntary act in consenting to the adoption of her child by another, is divested of all legal rights and obligations in respect to the child :

In re Masterson's Estate 45 Wash 48 (1906)

An adopted child is in a legal sense the child of both natural and adoptive parents and, in the absence of a statute to the contrary, is entitled to inherit from both:

In re Roderick's Estate. 158 Wash. 377 (1930).

In matters of adoption, the dominant question is the welfare of the child, and the wishes of the parent will be subordinated to that consideration:

In re Potter. 85 Wash. 617 (1915)

See also:

In re Fields 56 Wash. 259 (1909)

Knight v Galloway 42 Wash. 413 (1906)

In proceedings to set aside an adoption on the grounds of concealment and fraud practiced upon the court, admitted by the adoptive parents, the court should not award custody to the natural parents without trying out the whole controversy on the merits and determining the right to adopt in view of the welfare of the child:

State ex rel Nelms v. Superior Court 148 Wash. 24 (1928).

The superior court has jurisdiction to hear a petition for the adoption of a child after the permanent custody was awarded to a society by order of the juvenile court, with power to consent to adoption of the child, notwithstanding the juvenile court act provides for continuing jurisdiction of the court, since the juvenile court intended and had power to release itself completely from jurisdiction over the child:

McClain v. Superior Court 112 Wash. 260 (1920)

3. BLIND

Assistance for Blind Students

Blind Student Defined (4542-1 Supp.). A blind student for the purposes of this act is one who meets the academic requirements for admission to an institution of higher learning in Washington; who because of his blindness is unable to earn a living; who has no relatives legally responsible for his support; who has no other means of livelihood; and who has been a resident of Washington for four consecutive years immediately preceding the date of receiving the educational aid.

Amount and Use of Aid (4542-2 Supp.). A sum not to exceed two hundred fifty dollars (\$250) or such part of it as in the opinion of the State Board of Education is needed shall be given annually to each blind student who is enrolled at an institution of higher learn-

ing. The money shall be taken from the general fund of the state and shall be used to employ readers and to purchase books.

Distribution of Money (4542-3 Supp.) (4542-4 Supp.). The money shall be distributed under the supervision of the State Board of Education, which has the power to make the rules necessary for enforcing this act. The part needed for books and for reading services shall be paid by the board direct to the persons or firms supplying them. Any part of the remainder may in the judgment of the board be given to the student for personal living expenses.

No tuition fees shall be charged to the blind student.

Financial Assistance for Needy Blind

Administration and Supervision (10007-4 Supp.) (10007-5 Supp.). The board of county commissioners has charge of the administration of financial assistance to needy blind persons in their particular county under the supervision of the Division for the Blind.

Division for the Blind: Purpose (10785-15 Supp.) (10007-15 Supp.). The Division for the Blind was created in the Department of Social Security to promote the welfare of blind persons, persons with seriously impaired vision, and persons suffering from conditions that might lead to blindness. As in the other divisions, the Director of the Department of Social Security shall make rules and regulations for governing the work of the Division.

Supervisor (10785-16 Supp.). The Director appoints a supervisor of the Division for the Blind. The supervisor, with the approval of the Director, appoints the personnel of the Division, the appointments to be made on the basis of qualifications and experience, blind persons having the preference whenever possible.

Cooperation with Federal Government (10007-16 Supp.). In order to assure the continuance of financial assistance for the blind from the federal government, the Department shall cooperate in every reasonable way with the Federal Social Security Board and with the United States Office of Education in the administration of the Shepard-Randolph Act. This cooperation shall include making the reports and meeting the provisions required by the federal government.

Receipts of Gifts (10007-17 Supp.). The Department may receive money in the form of gifts or bequests and shall spend it according to the provisions of this act. A report of all gifts shall be included in the Director's annual report.

Annual Report (10007-18 Supp.). The supervisor shall make an annual detailed report to the Director within ninety days after January the first of each year showing all receipts, expenditures, activities, accomplishments, and recommendations for future improvements in preventive and remedial work.

Eligibility of Applicants (10007-6 Supp.). Financial assistance shall be given to any person who is twenty-one years of age and over or to any person over sixteen who is not eligible to enter the State School for the Blind, provided in either case he meets the following requirements:

Residence: He must have resided in the state for five of the nine years immediately preceding his application; or have suffered loss of sight while a resident and have resided in the state continuously since; and in either case have resided continuously for the year immediately preceding the date of application.

Vision: His vision must be too defective to permit him to perform ordinary activities.

Income: He must not have sufficient means of livelihood, his total annual revenue or resources being less than nine hundred dollars (\$900). Nor must he publicly solicit alms.

Health: He must not be suffering from any mental or physical infirmity which would make him a charge upon any public institution or agency.

Not an Inmate: He must not be an inmate of a public institution. An inmate may, however, apply for aid, but it shall not be given to him until he leaves the institution.

Application for Aid (10007-7 Supp.). Applications for assistance shall be made to the local county administration board. This board shall verify the statements in the application and cause and finance an examination of the applicant's eyes to be made by an ophthalmologist or a physician who is skilled in diseases of the eye.

Amount and Payments (10007-8 Supp.). Assistance, if granted, shall be given in monthly payments from the public assistance funds. The amount shall be determined by the resources and the necessary expenditures of the applicant, but when added to his other income and resources shall not be less than forty dollars (\$40.00) a month.

Funeral expenses shall be paid by the Department of Social Security for those whose estates are insufficient to bear the cost,

the amount given for this purpose not to exceed one hundred dollars (\$100).

Guardian Appointed (10007-9 Supp.). If on the testimony of a reliable witness the blind person is found to be incapable of handling the money paid to him, it may be sent to a legally appointed guardian.

Reinvestigation (10007-10 Supp.). A reinvestigation of the condition and the affairs of the applicant shall be made annually and oftener if deemed necessary, to determine what change, if any, has occurred. If there has been a change, there shall be a modification made in the amount of assistance received by the applicant to correspond with the change.

Appeals (10007-11 Supp.). Any applicant dissatisfied with a decision of the Division may appeal to the local administrative board and further to the Director. The Director shall conduct a hearing after he has given written notice of the date and place to the applicant. Reasons supported by evidence for and against the earlier decisions may be given. The Director's decision shall be final. However, a further appeal showing facts omitted at the previous hearing may be made within ten days. If the Director decides that the new evidence warrants another hearing, he shall give written notice accordingly.

Fraudulent Claims (10007-13 Supp.). Any person knowingly securing or attempting to secure blind assistance for himself (or another) when not entitled to aid, or any person knowingly paying or permitting to be paid assistance to a non-entitled person, shall be guilty of a misdemeanor.

Assistance Controlled by Need (10007-14 Supp.). If at any time the recipient becomes possessed of property or income over and above that realized at the time of the granting of the assistance, he shall notify the local administrative authorities. The local authorities shall, after investigation, either cancel the assistance or alter the amount in accordance with the circumstances. Any assistance paid after the recipient had come into possession of added resources that would change the need shall be recoverable by the state as a legal debt.

Court Rulings

See:

State ex rel Robbins v Scofield, 184 Wash 270 (1935).

Smith v. Spokane County 183 Wash. 477 (1935).

State ex rel Schmidt v. Sullivan 190 Wash. 600 (1937).

State ex rel Hart v. Gleeson 189 Wash. 292 (1937)

Prevention and Medical Treatment

Services Offered (10007-1 Supp.). The department, in cooperation with the Department of Health, shall establish a service for the purpose of determining the cause of blindness and the prevention thereof.

When medical or surgical services are required by blind persons who are unable to pay for them, provisions for the same shall be made by the Department.

"Seeing-Eye" Dog

Transportation (10354-1 Supp.). Any blind passenger on a public carrier operating within the state may have his "Seeing-Eye" dog accompany him without any charge for its transportation.

Vocational Aid and Training

Services Offered (10007-2 Supp.). The Department of Social Security through the Division for the Blind, in cooperation with the Division of Vocational Rehabilitation of the State Board of Vocational Education, may maintain services for vocational aid and training for blind persons. These services shall consist of the following:

Training: Training for occupations suitable to their self-support and enjoyment, the teaching and training to be in their individual homes or in workshops established for this purpose by the Department.

Employment: Aiding them in securing remunerative employment either in or outside their own homes and in the sale of their products.

Maintenance: Providing their living maintenance during their training and instruction.

Materials: Furnishing materials or machinery to individuals or groups.

Home Visitation and Teaching: Providing home visitation and home teaching of any subjects that will increase their comfort and enjoyment of daily living.

If the training cannot be provided within the state, it may be arranged for outside Washington.

Home-Industry Revolving Fund (10007-2a Supp.). A home-industry revolving fund of fifteen thousand dollars (\$15,000) may be

created by the Department out of the fund of the Division for the Blind. Its use shall be for advancing the cost of production and for the wages of blind persons engaged in industry under the supervision of the Department and to promote the sale of their products. All money derived from the sale of articles shall be deposited in this fund. Any excess in the fund at the end of each quarter, over and above the original amount of the fund, shall be placed in the general fund. Separate account books for this work shall be kept by the Department.

Income from Other Products (10007-3 Supp.). The Department shall keep separate books for all money derived from the sale of all products made in its training schools, workshops, or the other places which are maintained under its supervision and to which it has title. This money shall be paid into the state treasury and placed to the credit of the appropriation for the Department.

4. CHILDREN OF UNMARRIED PARENTS

Court Proceedings

Complaint against Putative Father (1970). When an unmarried woman has given or is about to give birth to a child, court action may be brought against the putative father to determine his paternity of the child and to assure his support for it. The action is based on a sworn complaint made by the mother in writing, either before or after the delivery of the child, or by either of the mother's parents, or by her guardian. The complaint is made to the justice of the peace in the county in which the mother has lived for the past thirty days and where she may be pregnant or delivered, or in the county in which the alleged father may be found. On receipt of the complaint, the justice must issue a warrant for the arrest of the alleged father.

Time Limit on Complaint (1979-6). The complaint must be made within two years after the birth of the child, this time to be extended to cover any time that the accused is out of the state.

Justice Court Hearing: *Proceedings* (1971). The justice of the peace shall question the woman in the presence of the accused. If she is not present, the justice shall fix a date within ten days for this questioning. The accused shall give bond with surety for his reappearance, or in the absence of bond be committed to the county jail during

the interval. The accused has the right to controvert the charge, in which case evidence may be heard, as in other civil actions, before the justice. If the evidence against the accused is sufficient to warrant it, the justice shall turn the case over to the superior court, together with sufficient bond for the appearance of the accused at the time the judge of the superior court sets for the hearing, or for the payment of amounts set by the court, should he fail to appear. Any bond of the accused may be placed in suit by the person to whom the payments were to have been made. If the accused fails to give the required bond, the justice shall commit him to the county jail until discharged by law. The justice shall also at once turn over to the superior court the complaint, the transcript of the justice court's proceedings, and all papers connected with the case.

Mother's Testimony (1974). The mother's testimony shall be put in writing by the justice, read to her carefully, signed by her, and submitted by the justice with the other papers to the superior court.

Accused Released on Bond (1973). If the accused is committed to jail for failure to give bond, he may be released whenever he files the required bond with the superior court.

Superior Court Hearing: Docketing the Case (1975). Upon the filing in the superior court of the complaint, the transcript, and other papers by the justice, the clerk of the court docket the same. The complaint filed becomes the complaint in the case here, and issue shall be joined thereon as provided in civil actions.

Plaintiff and Counsel (1972). The plaintiff is the state of Washington, and the prosecuting attorney represents the state in both the justice and the superior courts. Only he may ask for a dismissal of the case, such dismissal to be on evidence that the proper arrangements for the maintenance, care, education, and support of the child have been made.

Trial (1976). If the accused denies the charge, the issue may be tried by the court or by a jury if demanded by either party.

Effect of Mother's Death (1979-7). Should the mother die, her death shall not stop the prosecution if the child is living. However, notation of her death shall be put into the record. Her testimony as taken by the justice of the peace may be produced as evidence by either party and shall have the same force as though she were alive and giving it herself in court.

Effect of Child's Death (1979-8). Neither shall the death of the child stop the prosecution. In case of conviction, the court shall in its discretion give judgment for the sum to be paid.

Accused Discharged (1977). If the accused is found not guilty, the court shall discharge him. In that event, no court costs for either the justice court or the superior court shall be required of the complainant.

Sentence if Convicted (1978). If the accused is found guilty or if he confessed in open court, the sentence shall be as follows: He shall pay the mother's expenses during her sickness and confinement, all the costs of the suit, and an annual specified sum in equal quarterly installments for the care, education, and support of the child until he is sixteen. The payments for the child are to be made through the clerk of the court. He shall be required to give bond with sufficient surety for all payments for the child.

Failure to Give Bond (1979-2). If the father refuses or neglects to give bond, he shall be committed to the county jail for contempt of court to remain until he gives the required bond or is otherwise discharged by due course of law. He may, however, petition the court for a hearing to show his inability to give the bond. The court shall upon the receipt of the petition set a time for the hearing on it, the date not to be less than ten days after the petition was served on the prosecuting attorney, unless that officer waives the ten-day period in part or entirely. If it be shown in the hearing that the accused cannot comply with the court's order to raise the bond or to make the payments, and upon his making an affidavit that he has no property either in his own name or concealed or conveyed or disposed of in any manner to avoid complying with the judgment of the court, the court may discharge him from custody. If, however, it is found that he has some property but not enough to enable him to comply with the court order and judgment, the judge may, in connection with the discharge, make an order concerning the property as is warranted by justice.

Default in Payments: Judgment (1979-1). Whenever the father who did not give bond becomes delinquent in his payments, the court may upon application of the mother, her parent, or her guardian render judgment against the accused for the sums due and unpaid. This shall not prevent similar prosecution in the future for nonpayment of other sums coming due later.

***Sureties Liable* (1979-4).** Whenever the father who has given bond fails to keep up the specified payments, the court shall upon the request of the mother, her parent, her guardian, or other interested person call on the bond sureties to appear and show cause why they should not make the payments. If they fail to make the payments before the time set for their appearance, the court shall render judgment against them for the amount unpaid, together with the cost of the hearing.

***Committed to Jail* (1979-5).** The accused may also be cited for contempt of court if he defaults in his payments, and may be committed to the county jail until the payments, together with the costs of the commitment, are made. This commitment shall not prevent the obtaining of judgment and collection by execution from the surety for any delinquent payments in the future. The judgment may be modified at any time upon proper showing to the court.

***Judgment Money* (1979-3).** The judgment money when received by the court, either from the accused or from his sureties, shall be turned over to the mother or guardian of the child for its support, care, and education to be spent under the direction of the court.

***Prosecution for Nonsupport* (1979).** In addition to these proceedings for forcing the father to support the child, he may be prosecuted as in other criminal action for nonsupport of minor children.

***Custody of Child* (1979-9).** If the mother is a suitable person, the care and the custody of the child is awarded to her; if she is not, it is awarded to any reputable person, including the accused, or to some charitable or state institution. The surname of the convicted man shall in the discretion of the court be given to the child to be his legal surname.

Birth Certificate of Child

***Effect of Marriage between Parents* (6013-2 Supp.). *Before Child's Birth*:** If the unmarried parents of a child marry before a birth certificate is filed, the child shall be considered as though born in lawful wedlock, and the certificate shall be made accordingly.

***After Child's Birth*:** If parents marry after the birth certificate has been filed, a certificate of marriage is recorded with the State Board of Health (through its Vital Statistics Division), and a new birth certificate, as for a child born in lawful wedlock, is issued on request. The Board of Health shall send copies of the new birth certificate to any local office in which the original birth certificate was filed, to be substituted for the old one, which is returned to the Board of Health and

which is put by that Board into a sealed package together with the certificate of marriage and the original certificate of birth out of lawful wedlock. This package shall be opened only upon the order of a court of record.

Children's Property Rights

Rights under Probate Law (1345). *Heir of Father:* Every child born out of lawful wedlock is the lawful heir to the person who in the presence of a competent witness signs a written statement acknowledging himself to be the father of the child. This child shall inherit the father's estate in whole or in part, as the case may be, in the same manner as though born in lawful wedlock.

Heir of Mother: The child shall always be the lawful heir of the mother and shall inherit her estate in all or in part, as the case may be, in the same manner as though born in lawful wedlock.

If the parents intermarry before the death of the child, and the father after the marriage acknowledges his parentage and adopts the child into his family, then the child and the other children shall be considered as brothers and sisters, as if all had been born in lawful wedlock. Their rights are equal, as heirs, in the descent of each other's property, provided that the parents shall retain their respective rights in the estates of all their children.

Adoption by Father Required: The child born out of lawful wedlock shall not be considered heir to the property of either the lineal or collateral kindred of his parents unless the intermarriage of his parents takes place before his death, and unless his father acknowledges in writing his parentage of the child and legally adopts him into his family as stated above.

Child's Property Intestate (1346) The property of a child born out of lawful wedlock who dies intestate and without leaving any issue, goes to his mother and at her death to her heirs.

Court Rulings

A proceeding against a putative father for the support of his illegitimate child, commenced by summons and tried as a civil action, with judgment and execution against his property, is a *civil* proceeding, not criminal:

State v. Tieman 32 Wash. 294 (1903).

An illegitimacy proceeding before a justice of the peace under Sec. 1971, Remington's *Revised Statutes of Washington*, being only a pre-

liminary hearing before a committing magistrate, the justice's judgment of dismissal does not bar further prosecution and is therefore not subject to appeal to a higher court:

State v Dale. 159 Wash. 300 (1930).

An acknowledgment of an illegitimate child by the father, in writing, in accordance with Section 1345, Remington's *Revised Statutes* gives the child a restricted right to inherit from the father, but does not legitimize the child until after intermarriage of his parents and acknowledgment by the father nor render the father liable to the mother for support, except by timely proceedings under the illegitimacy act:

Hurst v Wagner 181 Wash. 498 (1935).

Acknowledgment of paternity for the purpose of inheritance may be made for a collateral purpose and need not be done for the express purpose on the part of the parent to admit the illegitimate child to heirship:

In re Rohrer 22 Wash 151 (1900).

A justice's record signed by the putative father on a dismissal of illegitimacy proceedings, in which he agreed to pay the costs and acknowledged himself liable for them, is not acknowledgment of paternity of his illegitimate child as required by statute to make the child his legal heir:

In re Beekman's Estate 160 Wash. 669 (1931).

Under the common law an illegitimate child was the heir of no one, and any right to inherit must rest upon a statute. The illegitimate child does not inherit one-half of the community property by virtue of the statute giving him the right to inherit from his mother. A later enactment provided for the descent of one-half the community property in equal shares to the "legitimate issue" of the body of the deceased, and if there is no issue living, then all shall pass to the surviving spouse:

Wasmund v Wasmund 90 Wash 274 (1910)

5. CONSTITUTIONAL RESTRICTIONS ON THE LEGISLATURE

Legislation (Constitution, Art. II, Sec. 28). The Legislature is restricted by the Constitution from enacting any special laws on the following cases:

- Paragraph 1. *Changing name*: Changing the names of persons or constituting one person the heir-at-law of another.
- Paragraph 4. *Minor's Property*: Authorizing the sale or mortgage of real or personal property of minors.

Paragraph 11. *Age and Property*: Declaring any person of age, or authorizing any minor to sell, lease, or encumber his or her property.

Paragraph 16. *Adoption*: Authorizing the adoption of children.

Divorce (Constitution, Art. II, Sec. 24). The Legislature is prohibited from granting any divorce.

6. CONTRACTS OF MINORS

Liability of Minors (5829). A minor is bound by all contracts made by him unless he disaffirms them within a reasonable time after he attains the age of majority. In case of disaffirmation he must have restored to the other contracting party all the money and property received under the provisions of the contract, that are in his possession or under his control at the time he attains majority.

Liability for Misrepresenting His Age (5830). If a minor by pretending to have reached the age of majority or by engaging in business as an adult leads the other party to believe he is of age, he cannot later disaffirm any contract.

Personal Services (5831). When a contract for the personal services of a minor is made with him alone and he performs the services and is paid for them in accordance with the terms of the contract, neither the parents nor the guardian can later recover thereon.

Necessities (5836-2). Capacity to buy and sell is regulated by the general law governing the capacity to contract and to transfer and acquire property. When necessities are sold to an infant and delivered to him, reasonable payment must be made by him for them. Necessities are defined as goods suitable to the condition of the life of the infant and are actually required by him at the time of their delivery.

Court Rulings

"A minor may disaffirm his contracts within a reasonable time after he attains his majority if he returns all money and property received and remaining in his control"

Snodderly v. Brotherton. 173 Wash 86 (1933).

"A minor cannot disaffirm a contract on the ground of infancy, where, from his appearance and representations, the other contract-

ing party was led to believe that he was capable of making a contract":

Stone v. Knutsen, 147 Wash. 54 (1928).

See also:

Gill v. Parry, 114 Wash. 19 (1921).

"Where a minor does nothing for more than three years after attaining his majority to disaffirm a deed executed by him when he was nineteen, he fails to disaffirm the contract within a reasonable time, as required by statute, and he cannot claim that the deed is invalid because not ratified by him":

Johnston v. Gerry, 34 Wash. 524 (1904).

7. COURT ACTION

Court Costs (488). The guardian or person representing an infant plaintiff is responsible for the costs as adjudged by the court against the infant, and their payment may be forced by execution.

Court Summons (226). A court summons against a minor under fourteen shall be served to him, personally and to his parent or guardian. If neither of these is within the state, it shall be to the person having the care or control of him, or with whom he resides, or for whom he works.

Guardian ad Litem (187). If an infant is party to a suit, he is represented by his regular guardian. If he has no guardian or if in the court's opinion the guardian is an improper person, the child is represented by one appointed by the court as follows:

Plaintiff: If the infant is the plaintiff and is fourteen years of age or over, the appointment is made upon his application; or if he is under fourteen, it is made on the application of a friend or a relative.

Defendant: When the infant is the defendant and is over fourteen years of age, the procedure is the same as when he is the plaintiff and is over fourteen years of age except that the application must be made within thirty days after the serving of the summons; but if he is under fourteen, or if he is over fourteen and he neglects to apply, then upon the application of any party to the suit or by a relative or by a friend of the infant.

Judgment by Confession (414). If action is brought against a minor and judgment is to be given on confession, if a guardian has

been appointed, the confession shall be made by the guardian ; otherwise, it shall be made by the defendant in person.

Modification of Judgment (464). The superior court in which a judgment had been ordered shall have power to cancel or modify any previous judgment or order against a minor if the proceedings prove to be erroneous because of the fact that the defendant's being a minor does not appear in the records, or if an error in judgment is shown by a minor, provided the cancellation or modification must be made within twelve months after the minor becomes of age.

Criminal Responsibility (2257). Children under eight are incapable of committing a crime. Children of eight and under twelve are presumed to be incapable of committing a crime, but such presumption may be removed on proof that they have sufficient capacity to understand the act or neglect and know it to be wrong. When it is necessary to enable the jury or the court to determine the age of a child, he may be produced for inspection. The court may for this purpose direct an examination by one or more physicians whose opinions shall be considered competent evidence on the question of age.

Recognizance as Witness (1961). When a minor is a material witness, any other persons may recognize for his appearance, or the judge may take recognizance of such infant in a sum not exceeding fifty dollars (\$50.00), which shall be legally valid regardless of the minority of the child.

Incompetent as Witness (1213). Persons under ten years who appear incapable of receiving just impressions of the facts upon which they are examined or of relating them correctly shall be considered incompetent as witnesses in court.

Wards in Court. See "Guardian, Legal Representative of Minor Ward" and "Ward in Court Action" under GUARDIANSHIP OF MINORS UNDER PROBATE LAW (Topic 15).

8. COURT COMMISSIONERS

Appointment (Constitution, Art IV, Sec. 23) (83). One or more court commissioners (not to exceed three) may be appointed in each county by the judge of the superior court having jurisdiction therein.

Powers Affecting Children (85). The commissioner has jurisdiction over certain matters, concurrent with the judge who appointed

him. Those that pertain to children are juvenile cases, adoption, and matters of probate.

Revision (86). All acts and proceedings of the court commissioner are subject to revision only by the superior court on the written motion of any interested party to a case. This motion shall be filed with the clerk of the superior court within ten days after the entry of judgment by the court commissioner. If no motion for revision is made, the orders and judgments of the court commissioner become the orders and judgment of the superior court, subject only to appeal to the Supreme Court in all cases in which a similar appeal may be made from like orders and judgment of the judge of the superior court.

9. CRIMES AGAINST CHILDHOOD

Abortion

Definition and Punishment (2448) Abortion consists in using or causing to be used an instrument on, or of prescribing, supplying, or administering any medicine, drug, or other substance to a woman, whether before or during her pregnancy, to cause a miscarriage, unless it shall be to preserve her life or that of the child.

Punishment Punishment shall be imprisonment in the state penitentiary for not more than five years or in the county jail for not more than one year.

By Woman on Herself (2449). Abortion committed by a pregnant woman on herself shall be punished by imprisonment in the state penitentiary for not more than five years or by a fine of not more than one thousand dollars (\$1,000).

Business of Abortion (2450) (2460). To manufacture, sell, or give anything knowingly for the purpose of securing a miscarriage is a gross misdemeanor. To exhibit for sale, loan, or distribution any article, drug, or medicine for the prevention of conception or for causing unlawful abortion, or to write, print, distribute, advertise, or publish in any way any information thereon is a misdemeanor.

Testimony Compulsory (2451) No person is excused from testifying in a trial on abortion on the excuse that he might incriminate himself.

By Physician (10015). Among the acts listed as "unprofessional conduct" on the part of physicians are procuring or aiding in criminal abortions, and advertising medicine or any other means that

will regulate the monthly periods of women or that will re-establish suppressed menses.

Punishment of Physician (10014). The penalty against a physician for "unprofessional conduct" is revocation of his license to practice medicine by the State Director of Licenses, and refusal by that officer to grant a new one. The physician has the right of appeal to the courts.

Killing of an Unborn "Quick" Child by Injury (2396). Willfully killing an unborn "quick" child by any injury committed on the mother is manslaughter.

Accessory to Killing an Unborn "Quick" Child (2397). If the mother or the unborn child dies, it is manslaughter to have provided, advised, prescribed, or administered drugs or medicine to, or used an instrument on, a woman, whether she was pregnant or not, with the intent to cause a miscarriage, unless it was necessary to preserve her life.

Killing of an Unborn "Quick" Child by Pregnant Woman (2398). Taking drugs or medicine by a woman "quick" with child, or using, or submitting to the use of any instrument or other means to cause her own miscarriage is manslaughter if her child dies unless her act was to save her life or that of her child.

Concealing of a Birth (2452) Endeavoring to conceal the birth of a child by any disposition of its dead body, whether the child died before or after birth, is a gross misdemeanor.

Acts against Morality

Abduction (2439). *Definition:* Abduction consists of any of the following:

If one takes a female under eighteen years of age for the purpose of prostitution or sexual intercourse; or if one takes her for marriage without the consent of her parent, guardian, or other person having legal charge of her.

If the parent, guardian, or other person having legal charge of a female under eighteen gives consent to her being taken or detained for any sexual, obscene, or immoral purpose.

If one entices or inveigles an unmarried female of previously chaste character into a house of ill-fame or elsewhere for prostitution purposes.

If one takes or detains a woman against her will with the intent either to compel her to marry him (or another) or to be defiled.

Punishment: Abduction shall be punished by imprisonment in the state penitentiary for not more than ten years, or by a fine of one thousand dollars (\$1,000), or by both the fine and the imprisonment.

Incest (2455). Definition: Incest consists of sexual intercourse between persons who are more closely related than second cousins, whether of half or whole blood, as computed by civil law.

Punishment: Punishment shall be imprisonment in the state penitentiary for not more than ten years.

Indecent Assaults (2442 Supp.). Any person taking indecent liberties with, or on, the person of a female of chaste character without her consent is guilty of a gross misdemeanor. Any person taking indecent liberties with a female under fifteen years, or making any indecent or obscene exposure of his person, or of the person of another, with or without his or her consent, shall be guilty of a felony and on conviction be sentenced to the penitentiary for not more than twenty years or to the county jail for not more than one year.

Indecent Occupations (2446). Employing, causing to be employed, exhibiting, or having in custody for exhibition or employment any minor who is (actually or apparently) under eighteen years of age in any of the following practices is a misdemeanor:

- a. Begging, receiving alms, or any mendicant work.
- b. Indecent or immoral exhibition or practice.
- c. Practice or exhibitions dangerous or injurious to the child's health, life, or morals.
- d. As a messenger to any known house of prostitution or assignation.

If parents, guardians, or persons having the care of minors permit any of these acts to be done to, or by, them, they are also guilty of a misdemeanor.

Indecent Publications (2462) 2462-1). Advertising or publishing any cures or aids for the cure of venereal diseases, monthly regulators for women, treatments of sexual organs, or restoring "lost manhood" or "lost vitality" is a gross misdemeanor.

Lewdness (2458). Lewdness consists of indecent cohabiting with another without being lawfully married to him or her. Any person guilty of open or gross lewdness or of making open or indecent or

obscene exposure of his person to another shall be guilty of a gross misdemeanor

Obscenity (2459). A person who commits any of the following acts is guilty of a gross misdemeanor:

- a. Writing, designing, copying, photographing, printing, uttering, publishing, or otherwise preparing any obscene or indecent book, magazine, pamphlet, newspaper, picture, photograph, writing, drawing, story paper, or any article or instrument of indecent or immoral character.
- b. Selling, lending, or giving away (or having in his possession with the intent to do so) any of the above-named writings or things.
- c. Advertising any such writings or things, above mentioned, or giving any information (orally or in writing) as to where, when, how, or of whom they may be obtained.
- d. Selling, lending, giving away (or having in his possession with the intent to do so) any book, pamphlet, magazine, newspaper, or other printed material that is devoted to the publication (or largely made up) of criminal news, police reports, accounts of criminal deeds, or pictures and stories of deeds of bloodshed, lust, or crimes.
- e. Exhibiting any of the above-mentioned materials within view of any minor.
- f. Hiring, using, or employing any minor to sell, give away, or in any manner distribute any of the materials above mentioned; or having any minor in custody or control, to permit him to be so used or employed.
- g. Performing or exhibiting or causing to be performed or exhibited, any indecent or immoral act.

Prostitution (2440). Any person who contributes to prostitution in any of the ways given below shall be punished by imprisonment in the state penitentiary for not less than one year or more than five years:

- a. Placing, influencing, or forcing a female to a life of prostitution with him, with another, or in a house of prostitution.
- b. Compelling her to reside with him for immoral purposes.
- c. Receiving any gain from such prostitution or from placing her for it.

- d. Giving or offering a reward to anyone for placing her in a house of prostitution, or elsewhere, for immoral purposes; and a parent, guardian, or husband consenting to, or permitting, it.
- e. Living with a prostitute or accepting her earnings.

Rape: Definition (2435) (2437). Rape is sexual intercourse (carnal knowledge) of a man with a female not his wife, forcibly committed without her consent and against her will. Any sexual penetration, however slight, shall be considered sufficient to be termed sexual intercourse, or carnal knowledge, when used in defining rape or determining whether rape has been committed.

Note: This section, enacted in 1909, and Section 2436 ("Carnal Knowledge of Children"), enacted in 1909 and amended in 1919, give the punishment for rape committed under various situations against a child over ten years as imprisonment in the penitentiary for not less than five years. Without doubt, this is superseded by the more severe punishments given below in Section 2436 Supp., which was enacted in 1937.

Punishment (2436 Supp.). Any adult male who carnally knows (that is, has sexual intercourse) and abuses a female under eighteen, not his wife, or any female who has sexual intercourse with a male under eighteen, not her husband, is guilty of carnal knowledge and is punished as follows:

- a. If the act is against a child under fifteen years, the punishment shall be imprisonment in the state penitentiary for life.
- b. If the child is above fifteen but under eighteen the punishment is imprisonment in the state penitentiary for not more than twenty years.

Seduction: Punishment (2441). Any person who shall seduce and have sexual intercourse with a female of previously chaste character shall be punished by imprisonment in the state penitentiary for not more than five years or in the county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000) or by both the fine and the imprisonment. In case of the marriage of the defendant to such female before judgment is passed the court shall order the proceedings stayed. If within three years after the date of the marriage, the defendant fails to support the wife, or deserts her, the proceedings shall be continued as though no marriage had occurred. In this case the wife shall be a competent wit-

ness against her husband.

Action for Seduction (185). A father, or in case of his death or desertion, a mother may bring action for seduction of a daughter, and a guardian for seduction of a ward, even though the daughter or ward may not be living with, or in the service of, the parent or guardian at the time of seduction or afterwards, and even though there be no loss of service.

Sodomy (2456 Supp.). Sodomy against a child under fifteen years shall be punished by imprisonment in the state penitentiary for not more than twenty years; and against all other persons, for not more than ten years.

Note: Sodomy is an unnatural and bestial form of carnal knowledge.

Acts against the Person

Blackmail or Blacklisting (2432). To threaten a person with the publication of a libel concerning him, his spouse, parents, child, or other member of his family, and to offer with the intent to extort money or other valuable consideration to prevent this publication is a gross misdemeanor.

Slander: Punishment and Definition (2433). It is a misdemeanor to slander any female of the age of twelve or over who is not a common prostitute, in the presence of any person other than the one slandered, whether she be present or not. Slander in this respect consists of speaking maliciously, using any false or defamatory language which shall injure the female's reputation for virtue or chastity or which shall expose her to hatred, contempt, or ridicule, unless the statements are true and the speaker's motive is good and justifiable.

Evidence Required (2434). No person shall be convicted of slander on the testimony of the person slandered unless it be supported by other evidence.

Suicide: Aiding (2387) (2388). Any person who aids, advises, or encourages another to take his own life is guilty of manslaughter, and shall be punished by imprisonment in the penitentiary for not more than ten years.

Incapacity No Defense (2389). The fact that the person who attempted to commit suicide is considered by law to be incapable of committing a crime is no defense for the person aiding, advising, or encouraging him in the act.

Delinquency Abetted

Forbidden Places and Practices (2445). Persons who commit the following acts in relation to minors are guilty of a gross misdemeanor, and the fact that any minor acted or was believed by the defendant to act as the agent or representative of another is no defense or excuse:

- a. Admitting persons under twenty-one to, or allowing them to remain in, concert saloons or any places where intoxicating liquors are sold or given away except restaurants or dining rooms, or in any gambling houses, dance halls, public pool or billiard halls, or other places of entertainment which are injurious to health or morals; or in any houses of prostitution or assignation; or in places where drugs are used.
- b. Permitting persons under twenty-one years to play any game of skill or chance in any of the above-named places or adjacent places.
- c. Selling, giving, or permitting to be sold or given intoxicating liquors, cigars, cigarettes, cigarette paper or wrapper, or tobacco in any form to any person under twenty-one years of age.
- d. Selling, giving, or permitting to be sold or given any revolver, pistol, or toy pistol to any person under eighteen years of age.

Misrepresenting of Age by Minor: It is also a gross misdemeanor for any person between eighteen and twenty-one years to affirmatively misrepresent his age in order to purchase any cigar, cigarette paper or wrapper, or tobacco in any form, or to have the same in his possession.

Explosives (5440-2). It is unlawful to give, sell, or deliver explosives to a minor under eighteen years whether the minor is acting for himself or for any other person.

Firearms: Possession and Use (2560). No minor under fourteen shall handle or have in his possession or under his control firearms of any kind, except while he is accompanied by, or under the immediate charge of, his parents or guardian. Persons violating this act, or aiding, or knowingly permitting a minor to violate it, shall be guilty of a misdemeanor.

Sale to Minors (2516-8 Supp.). No person shall deliver a pistol to any one under twenty-one years of age.

Note: In "Forbidden Places and Practices" (2445), this age is eighteen years, however, as it (2445) was enacted in 1909 (amended in 1919), and the above one in 1935, doubtless this latter one prevails.

Pawnbroker's Dealings (2485). Any pawnbroker, second-hand dealer, or an agent or employee of either, who receives property from a person under twenty-one shall be guilty of a misdemeanor.

Kidnapping

Definition (2410-1 Supp.). *First Degree:* Any person who without legal authority seizes, confines, or inveigles any one with the intent to confine, imprison, or in any way hold to service for the intent to extort or obtain money or reward for his release or disposition, shall be guilty of kidnapping in the first degree. The penalty is death or life imprisonment in the state penitentiary as the jury shall determine.

Second Degree: Any person who takes, entices away, or detains a child under the age of sixteen years with the intent to conceal him from his parents, guardian, or other lawful person, or with the intent to steal any article from his person, but without the intent to extort or obtain money or reward for his return; or shall abduct, entice, or by force or fraud, unlawfully take or carry away another to or from a place outside the state and shall afterwards send, bring, or keep such person, or cause him to be kept or secreted within the state without the intent to extort or obtain money or reward for his release or disposition, shall be guilty of kidnapping in the second degree. Punishment shall be the same as that in the case of felony.

Conspiracy (2410-2 Supp.). Agreement, confederation, or conspiracy between two or more persons to kidnap any person, whether the act was actually committed or not, shall be considered a felony.

Selling Services of Kidnapped Person (2411). Every person who (within this state or elsewhere) shall sell or in any manner transfer the services or labor of the kidnapped person shall be punished by imprisonment in the state penitentiary for not more than ten years.

Court Proceedings (2412). Proceedings for kidnapping may be instituted either in the county where the kidnapping was committed or in the county in which the kidnapped person was taken or kept while under confinement or restraint. The consent of the person kidnapped either to the kidnapping itself or to selling his services as stated above shall not be a defense unless the jury is convinced that

the person kidnapped was over sixteen years, and that his consent was not extorted by threats, duress, or fraud.

10. DANCE HALLS

Regulations (8303-4). *Immoral Dances*: No immoral, indecent, suggestive, or obscene dances shall be allowed in any dance hall.

Lighting: When any public building is open to the public, all parts used and all halls that lead to them shall be well lighted.

Minimum Age: No person under the age of eighteen years shall be allowed to attend any public dance without his parent or guardian. Any person under eighteen who affirmatively misrepresents his age to obtain admission to or permission to remain in any public dance hall is guilty of a misdemeanor.

Hours: No dance shall continue, nor dance hall be kept open between one o'clock A.M. and six o'clock A.M. without a special permit from the board of county commissioners.

Administration and Supervision: The board of county commissioners has the authority to make rules and regulations to enforce the provisions of this act. All peace officers of Washington shall have free access to all public dance halls for the purpose of inspection and the enforcement of the provisions of this act. The board may refuse to grant licenses for dance halls to be located at such places or to be conducted at such times as will, in their judgment, interfere with the comfort and happiness of the community in which the proposed dance hall is to be located.

License Revoked (8303-6). Any license to conduct a dance hall may be revoked by the board of county commissioners after a hearing. A notice of the hearing shall be sent to the holders of the license at least ten (10) days in advance of the hearing.

Penalties (8303-7). Violation of these provisions is a misdemeanor punishable on conviction by a fine not exceeding two hundred fifty dollars (\$250) or by imprisonment not exceeding ninety (90) days or by both the fine and the imprisonment.

11. DELINQUENT AND DEPENDENT CHILDREN UNDER JUVENILE COURT

Juvenile Court

Juvenile Court Law (1987-1). *Defined*: This act is known as the "Juvenile Court Law" and applies to all dependent and delinquent

children and to all persons who are responsible for, or contribute to, their dependency and delinquency. For the purposes of this act all dependent and delinquent children become the wards of the state and are subject to the care, custody, and control of the court.

"Dependent" Child Defined: A "dependent" child is one who is under eighteen years of age and who does any of the following acts, or lives under any of the following conditions:

- a. Is a vagrant and is found wandering around without any settled place to live, and has no proper guardianship and no visible means of subsistence.
- b. Is destitute.
- c. Has no parent or guardian to care for him.
- d. Has a home which is unfit for him because of the neglect and cruelty of parents or guardian or for any other reason.
- e. Frequents the company of reputed criminals, vagrants, or prostitutes, or is found in houses of prostitution.
- f. Habitually visits billiard rooms, pool rooms, saloons, or places where intoxicating liquors are sold or given away.
- g. Uses intoxicating liquors, drugs (without the direction of a competent physician), or tobacco.
- h. Refuses to obey reasonable directions of parents or guardian, is incorrigible and beyond the control of parent or guardian.
- i. Has a parent or guardian who is a habitual drunkard or does not properly provide for him, or does not bring him up properly.
- j. Is a habitual truant as defined by school laws.
- k. Is in danger of growing up to an idle or immoral life.
- l. Wanders about at night not on lawful business or work.
- m. Is found in the street or any public place begging, receiving, or gathering alms (actually or under the pretext of selling something).
- n. Is under twelve and is found peddling, singing, or playing a musical instrument for gain in a public street, for giving public entertainments, or who accompanies or is used by any person so doing.

Note: This does not prohibit schools or societies from giving entertainments at which at least twelve instruments are used.

"Delinquent" Child Defined: A "delinquent" child is one who is under eighteen years of age and who does any of the following:

- a. Violates county, city, or state laws or ordinances.
- b. Habitually uses vile, obscene, vulgar, or indecent language.
- c. Is guilty of immoral conduct.
- d. Is found in or about railroad yards or tracks.
- e. Jumps on or off trains or cars.
- f. Enters a car or engine without lawful permission.

Jurisdiction of Juvenile Cases (1987-2 Supp.). *Juvenile Court*: The superior court has original jurisdiction over juvenile cases all of which shall be tried without a jury. In counties of more than thirty thousand (30,000) population, the superior court designates one (or more) of its judges to act as juvenile judge to hear all cases coming under this act. A special session designated as the "Juvenile Court Session" shall be provided, and the court may be called the "Juvenile Court." A separate record of the proceedings of the juvenile court shall be called the "Juvenile Record."

Court Commissioner: In counties which have no resident superior court judge, the court commissioner has jurisdiction over all juvenile cases with power to hear cases, enter judgments, and make orders with the same power as any judge of the superior court, subject to review only by the judge of the superior court on motion or demand filed by an interested party within ten (10) days from the entry of the commissioner's order.

Probation Officers (1987-3). *Appointment*: The judge of the juvenile court shall appoint one or more persons of good character to act as probation officers to serve during the pleasure of the court.

Duties: The clerk of the court shall, if practicable, notify the probation officer in advance when any child is to be brought before the court, whereupon the probation officer shall make such investigation as is required by the court. In the investigation he shall inquire into the whole history and condition of the child, including any factors that might cause the child's delinquency, and submit his report in writing to the judge. He shall be present at the trial to represent the interests of the child and shall assist the judge in any way possible. He shall have charge of the child before and after trial.

Authority: The probation officers in the counties of more than twenty thousand (20,000) shall have power similar to that of the sheriff and police in serving processes and in making arrests for violation of any laws relative to the interests of delinquent or dependent children.

Detention Officers: In these counties the court shall also appoint one or more persons to take charge of the "detention" rooms or houses where children are cared for pending the action of the court. The probation and detention officers shall receive salaries as set by the board of county commissioners.

Probation Officers' Expenses (1987-4). All probation officers shall be allowed necessary expenses as authorized by the judge of the juvenile court to be paid out of the county treasury upon a written order of the judge.

Procedure (1987-12). In counties where juvenile court sessions are held, children under eighteen who are arrested, with or without warrant, may be brought directly before the court instead of before the justice of the peace or police magistrate. Any child brought before these officers shall be turned over by them to the juvenile court, which shall proceed in the same manner as though the child had been brought before it upon petition in the first place. If the investigation shows the child has been arrested on the charge of having committed a crime, the court in its discretion may turn the child over to the proper authorities for trial under the provisions of the criminal code.

Detention Homes (1987-13). Detention rooms or houses of detention separate from any jail or police station *must* be maintained in counties having more than fifty thousand (50,000) inhabitants, and *may* be maintained in counties having less than that number of population, for the shelter of delinquent or dependent children when the same may appear necessary. A matron or other person of good character shall be in charge.

Visitation Board (1987-18). In each county the juvenile court judge may appoint a visitation board of four reputable persons to visit twice a year all institutions, associations, and individuals within the county receiving dependent and delinquent children, and when requested to do so by the juvenile court, to visit those within the state in which children from the county are committed. At least two members shall go each time and make a joint report to the juvenile court. The board serves without compensation, but the expenses shall be paid by the county if the trip is away from the county seat. All homes, associations, institutions, and individuals caring for delinquent and dependent children shall permit the members of the board to visit for the purpose of inspection.

Delinquent and Dependent Children

Petition (1987-5). Any person may file a petition with the clerk of the superior court asking that a certain delinquent or dependent child be taken into custody. The petition shall be verified and shall contain facts that give evidence of the dependency or delinquency, together with the name and residence of the parents, guardian, or custodian of the child, if such is known to the petitioner. No fee shall be charged for filing this petition. In counties where there is a probation officer, he shall first ascertain whether the petition is reasonably justifiable.

Court Summons and Hearing (1987-6). The clerk of the court shall serve a summons on the person having custody of the child to appear before the court with the child at a stated time, which shall be within twenty-four hours after the summons is received. The parents, the guardian, a relative, or someone appointed by the court shall appear to act on the child's behalf. If, without reasonable cause, the person fails to appear and bring the child, he shall be cited for contempt of court. If the summons cannot be served or if the court believes the summons will be ineffectual, the judge may issue a warrant for the person's appearance.

After the hearing, and pending the final decision, the child may be returned with the person having him in custody or may be kept by the court in a suitable place provided by the county, or placed with an association that cares for delinquent or dependent children.

Summons Published (1987-7). If the whereabouts of the person having custody of the child is unknown, or if the person is a non-resident of the state, or if the officer is unable to serve the summons, the court shall publish the summons in a county newspaper at county expense for four consecutive weeks before the hearing. The published notice shall be addressed to the parents or the persons having charge of the child, or if their names are not known, then it should be addressed "To Whom It May Concern," which shall be binding on such persons. The notice shall contain the name of the court, the child, the date of filing, the date of the proposed hearing, together with its object. No hearing shall be held within less than twenty days from the date of the last publication. An affidavit of the publication notice shall be filed with the clerk; the notice shall then be equivalent to a personal service.

Commitment of Child (1987-8). *Commitment*: The court may commit, temporarily or permanently, a delinquent or a dependent child to a suitable institution or to a reputable citizen of good moral character or to some training or industrial school that is provided by law, or to the care of an association which is willing to receive him and whose purpose it is to care for or to find homes for such children. The commitment may be revoked or modified at the discretion of the court.

Equity Function of Court: The juvenile court is a court of equity in that it determines the ability of parents, a guardian, or the person having the custody of a child to bear or contribute to the cost of the support of the child. If the court finds that such persons are financially able to pay for the care of the child, it may issue and enforce an order for the child's support by them. If it finds that the persons are unable to pay the whole cost for the care of the child, it shall supplement what is needed from county funds not to exceed twelve dollars (\$12.00) per month, and not for a longer period than six months without a further order.

Award and Adoption of Child (1987-9). *Guardianship by Association*: If the court awards a child to the care of an individual or to an association, the child becomes (unless otherwise ordered) a ward of the association or individual to which or whom he is committed. The association or individual then has the power of guardianship and, with the consent of the court, may place the child in a family home, temporarily or for adoption.

Order of Adoption: With the written consent of the parents or legal guardian, the court may make an order for adoption, such order being as binding on the child and his parents or guardian as though their consent had been given in court. This written consent and the court order serve as legal substitutes for a regular court hearing.

Child's Estate: The child's estate or property rights are not affected nor are they subject to the guardianship of the association or individual.

Court Retains Jurisdiction: The court retains jurisdiction over the child and may change the order at any time when the interests of the child warrant.

Court Proceedings (1987-10). *Hearings Private*: Hearings involving the delinquency or dependency of a child shall be heard separately from the other business of the court so far as it is practicable, the court having the power to exclude the general public and admitting only those having a direct interest in the case. The child or the child's

guardian has the right to ask for and may be granted a private trial.

Records Confidential: A court order adjudging the child delinquent or dependent shall not be deemed as a conviction of a crime. Records of the probation officer's investigation and report are open to the inspection of only the child, his guardians, his attorney, and those who have the special permission from the court. These records shall be kept as unofficial ones and shall be destroyed at the discretion of the judge on or before the child reaches his twenty-first birthday.

Care Prior to Commitment: After acquiring jurisdiction over the child, the court may make any order for its custody and care which will best promote its interests.

The hearing may be continued from time to time, and the child shall be subject to return to the court for any proceedings that are necessary. During the time prior to the regular commitment, the child may be placed under the care of the probation officer or allowed to return to its own home subject to visitation by the probation officer or, if suitable arrangements are made for the payment of its board, permitted to go to another home. In any of these situations, the child is to report to the probation officer as the court directs until the time when he is finally committed to a suitable institution that cares for children or to a home that requires no payment.

Commitment Regulations: No child shall be committed past the age of twenty-one years. When a child is finally committed to an institution, the institution in whose care the child is placed may parole it under regulations prescribed by the court. The court shall have power to discharge the child whenever, in its judgment, the child's reformation is complete, or it may commit it to some association whose purpose is to care for neglected, delinquent, or dependent children.

Detention Regulated (1987-11). Jailing Unlawful: No child under sixteen shall be committed to a "jail, a common lock-up, or a police station." But if a child cannot give bail, he may be committed to the sheriff or the probation officer to be kept in some suitable place provided by the city or the county, or to any association willing to care for him and having as its object the care of such children.

Separate from Adults: If a child is sentenced to an institution where convicts are sentenced, it is unlawful to keep him in the same building or yard where adults are kept, or to bring him into any yard or building when they may be present.

Care to Be Parental (1987-14). The meaning of this act shall be so liberally interpreted as will allow the court to provide, as nearly as possible, care and discipline that is parental in nature. Whenever possible, the child shall be placed in an approved private home, temporarily or for adoption. No delinquent or dependent child shall be taken from the custody of the parents (or parent) without their consent, unless the court finds them incapable or unfit to care for him, or they have neglected to do so, or the child has been on probation in the parent's custody and has failed to reform, or if, in the court's opinion, the child's welfare requires such removal.

Change in Court Order (1987-15). Any court order in the case of a dependent or delinquent child may be changed or set aside as the judge deems proper.

Fees Illegal (1987-16). No fees shall be charged or accepted by officers filing petitions or serving summons under this act.

Contributing to Delinquency (1987-17). In all cases in which a child has been found by the court to be delinquent or dependent, any one who by omission or commission shall have encouraged, caused, or contributed to his dependency or delinquency shall be guilty of a misdemeanor and shall be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment in the county jail for not more than one year, or by both the fine and the imprisonment. These misdemeanors shall be under the jurisdiction of the juvenile court, and sentence may be suspended by the court, which may impose certain conditions on which the suspension shall depend. If the person fails to live up to the conditions prescribed, he may be resentenced. The court may require a bond as surety for compliance with the conditions, such bond to be made payable to the state, and moneys received from it to be paid into the county treasury.

Commitment of Juvenile Offenders

Note: Sections 1980 to 1986 are part of the old criminal law pertaining to juvenile offenders and are supplemented by the later statutes establishing the juvenile court.

Commitment Provisions (1980) Upon properly verified complaint, a court of record may, at its discretion, instead of entering a judgment, commit to the Washington State Training School any boy of sane mind between the ages of eight and sixteen years or any girl of sane mind between the ages of eight and eighteen found guilty

of any crime except murder or manslaughter, or who for want of proper paternal care is growing up in vagrancy or is incorrigible, if in the opinion of the court the accused is a proper subject for the school.*

Court's Notice to Parent (1981). If a boy of sane mind between the ages of eight and sixteen years, or a girl of sane mind between the ages of eight and eighteen years, is convicted of any crime, mendicancy, vagrancy, or incorrigibility before a justice of the peace or any other inferior court, the judge shall send the child together with all papers bearing on the case to a judge of a court of record. He shall also issue an order to the parent, guardian, or any other known relative, or if the child is friendless, to any person the judge may appoint as guardian for the purpose, to appear and show cause why the child shall not be committed to the Washington State Training School for training and reformation.

Serving Notice (1982). This order shall be served by the sheriff or other qualified officer on the person himself, or by leaving it with some person of full age at the home or place of business of the party. The officer shall report immediately to the judge on the manner of the service

Hearing and Commitment (1983). The judge shall conduct a hearing at the time and place given in the notice in the presence of the parent or guardian, or in his absence, of some competent person whom the judge shall appoint as guardian for the particular hearing. At this time the judge shall take the voluntary examination of the child and hear the testimony of the person appearing for him. If upon such examination the judge is convinced that the child is a fit subject for the state institution, he shall issue the warrant for the commitment.

Child Taken to Institution (1984). The judge shall turn the child over to the sheriff or other officer to be taken by him without delay to the state institution and delivered into the care of the superintendent or the person in charge of the institution. In the warrant for the commitment, the judge shall certify to the child's age and residence at the time of his arrest. He shall also send a statement of the nature of the complaint together with any other information in the case that he shall deem necessary. The cost of conveying the child to the state institution

*Girls are now sent to the State School for Girls at Grand Mound, Washington.

or to the parent or guardian after his release therefrom shall be paid by the state.

Appeals (1985). The proceedings of the lower court may be reviewed on writ of error by the superior court and those of the superior court by the Supreme Court, in the manner as provided by criminal law.

Term of Commitment (1986). The child shall remain at the state institution until he reaches the age of twenty-one years unless sooner paroled or legally discharged. On discharge at the age of twenty-one, the child is released from all penalties resulting from conviction.

Reform Schools in Cities (8966, paragraph 19). Cities of the first class have the authority to establish and maintain reform schools for juvenile offenders.

Court Rulings

The juvenile court statute defining delinquent and dependent children under the age of eighteen years makes age and not minority the controlling element, and applies to a girl under eighteen years of age married to a man of full age:

In re Lundy. 82 Wash. 148 (1914).

A boy under sixteen may be committed to the state penitentiary notwithstanding the statutory provision that such a child shall not be confined in any building with adult convicts:

State v. Sowders 109 Wash. 10 (1919).

A minor may be prosecuted under the criminal law after becoming eighteen years of age even though the crime was committed when he was under that age:

State v. Melvin. 144 Wash. 687 (1927).

Upon conviction of a minor under 18 years of age of any offense, establishing his status as a juvenile offender, it is reversible error to commit him to the state training school without the consent of his parents, in the absence of any finding of the incapacity or neglect of his parents to provide proper training and education as provided in Sec. 1987-14, Remington's *Revised Statutes*:

State ex rel. Helwig v. Superior Court. 176 Wash. 478 (1934).

See also:

State ex rel. Everitt v. Superior Court. 178 Wash. 90 (1934).

To give the juvenile court jurisdiction to take a minor child from the custody of its mother and sentence it to the state training school, a

petition must be filed and summons issued and served, giving at least twenty-four hours' notice, and no waiver by the mother or other person having custody should be recognized unless the parent has full understanding of the proceedings and the waiver is entirely voluntary:

State ex rel. Miller v. Superior Court. 130 Wash. 464 (1924).

A superior court has power to commit a delinquent child to the custody of an institution outside the county and still retain exclusive jurisdiction over the child:

In re Chartrand. 103 Wash. 36 (1918).

12. EDUCATION

Constitutional Provisions

Equality in Education (Constitution, Art. IX, Sec. 1). It is the paramount duty of the state to make ample provision for the education of all the children within its borders, without distinction or preference on account of race, color, caste, or sex.

Public School System (Constitution, Art. IX, Sec. 2). The legislature shall provide for a general and uniform system of public schools. The public school system shall include common schools, and such high schools, normal schools, and technical schools as may be established.

Sectarian Influence (Constitution, Art. IX, Sec. 4). All schools maintained or supported wholly or in part by the public funds shall be forever free from sectarian control or influence.

Common Schools: Administrative Regulations

Note: Among the powers granted by law to the State Board of Education and to the boards of directors in the various school districts there are many that have a direct bearing on children. The principal ones are given below.

State Board of Education (4529 Supp.). The State Board of Education has the following powers and duties:

- a. To prescribe rules for the government of the common schools as shall secure regularity of attendance and efficiency in learning, prevent truancy, and promote the true interest of the schools.¹

¹ The following rules made by the board are important (*State Manual of Washington*, rev. by Stanley F. Atwood, Olympia, Wash., 1938, pp. 83, 95).

Behavior. Wilful disobedience, habitual truancy, vulgarity and profanity, the use of tobacco on or about the school premises, stealing, the carrying of deadly

- b. To prepare courses of study for all common schools.
- c. To prepare uniform questions or other standards to be used in examining pupils completing the courses of the common schools.
- d. To examine and accredit all high schools, provided that no public high school or private academy shall be accredited as long as a secret society is allowed among the students.
- e. To approve preparatory requirements for entrance to higher institutions of learning, the course given therein, and the diplomas issued by each.

Board of Directors: *All School Districts* (4776 Supp.). Every board of directors, unless otherwise provided by law, shall have the power and duty:

- a. To exclude from school all children under six years of age.
- b. To suspend or expel pupils from school who refuse to obey the rules thereof
- c. To enforce all rules and regulations made by the State Board of Education and the State Superintendent of Public Instruction.
- d. To provide free textbooks and supplies to be lent to pupils when, in the judgment of the board, the district's best interests will be subserved thereby. It shall also make rules governing the care and preservation of these books and supplies.
- e. To require that all pupils be furnished with the books that have been adopted by the legal authority and to make this a condition to membership in the school.

weapons, or the carrying or using of dangerous playthings shall constitute good cause for suspension or expulsion.

Corporal Punishment Teachers shall maintain strict order in their schools at all times and may resort to corporal punishment when necessary for the preservation of proper discipline. No cruel or unusual punishment shall be inflicted.

Dismissal After daily dismissal, pupils shall leave the school premises and go directly to their homes

Detaining Pupils Pupils shall not be detained more than forty minutes after the regular hour for dismissal. Consideration shall be given to pupils being transported on school busses.

Cleanliness Pupils shall give attention to personal neatness and cleanliness, and any who fail in this respect may be sent home to be properly prepared for school

Excuses Teachers shall require excuses from parents for all cases of children's absences, tardiness, or dismissal before the close of school. No excuse is valid except sickness.

- f. To exclude from the school and the school libraries all books, tracts, papers, and other publications of an immoral or pernicious character.
- g To establish and maintain night schools.
- h. To authorize the use of the school for summer school, night school, or for public literary, scientific, religious, political, mechanical, and agricultural meetings under regulations that the board may adopt.
- i. To cause all school houses to be properly heated, lighted, and ventilated, and to keep all school premises clean and sanitary.
- j. To provide transportation when in the board's judgment it is for the best interests of the district
- k To arrange for free instruction in lip-reading for adults handicapped by defective hearing whenever in the board's judgment it is for the best interests of the school district and for the adults concerned The district shall be given extra attendance credit of one full day for each day's attendance of two hours or more.

First-Class Districts (4805). In addition to the above general powers, the board of directors in first-class districts has the power

- a. To prohibit all secret fraternities and sororities among the students in any school of the district. (See also above, p. 190, d, under "State Board of Education")
- b To appoint a practicing resident physician, who shall be the district medical inspector, and whose duties shall include all questions of sanitation and health affecting the safety and welfare of children. He or his authorized deputies shall make monthly inspection of the schools and report the same to the directors and to the board of health, provided that no child shall be required to submit to vaccination against the will of the parents or guardian.
- c. If free textbooks are not supplied, to provide the required number for the children of indigent parents when on a written statement from the superintendent of the district, the board is informed that the parents cannot supply them.
- d. To establish and maintain schools and rooms for defective children.

Common Schools: Compulsory Attendance

Attendance Evaluated: State Funds (4934 Supp.). For each day that a child attends school, the district shall receive from the state a sum of twenty-five cents,^a the maximum attendance for any one child in a school year to be only one hundred eighty days. Every school district, no matter how small, is guaranteed by the state a minimum of twenty-five hundred (2500) days. Since the cost of educating children is different in the various departments of the school, the state evaluates the day according to the cost. That is, the day in the elementary grades is the basis and is counted once; the day in the junior high school is counted as one and one-fifth days; in the senior high school and the vocational departments as one and two-fifths days; in the parental school as three days; in the schools for defective children as two days. Two hours or more in night and in kindergarten schools count as one-half day; and in part-time schools four hours weekly are equal to one high school day. For children living on the United States reservations (military, naval, lighthouse, Indian, etc.) one day's attendance is one and one-half days.

County Funds (4936 Supp.). The county evaluates every day the same, no matter in which department it is, and gives to each district the sum of five cents for each day a child attends, provided the tax to produce the total amount for all the districts does not exceed two mills on the assessed valuation of the county. If this levy does not raise the required amount, the board of county commissioners shall report the deficit to the State Superintendent of Public Instruction, who shall make up the deficiency from the State School Equalization Fund. The county, also, guarantees to every district a minimum of twenty-five hundred (2500) days.

Compulsory School Age (5072): Ages Included: Compulsory school age includes all children between the eighth and the fifteenth birthdays and all children between the fifteenth and the sixteenth birthdays not regularly and lawfully engaged in useful and remunerative occupation.

Excuses: Children who are physically or mentally unfit, or have finished the eighth grade or for some other sufficient reason may be

^a Accordingly, children's attendance takes on a financial value to the district as well as an educational value to the pupils and to society. In other words, for each day a pupil is absent, the district actually loses a certain amount of money.

excused from attendance by the local school superintendent, if there be one, otherwise by the county superintendent.

Parental Responsibility: Parents, guardians, or other persons having the immediate custody of a child of compulsory school age are responsible for the child's attendance at either a public or at a private school for the full time that school is in session in the district in which he resides. Proof of the child's absence shall be evidence of violation of this section.

Children on Reservations (4680-1 Supp.). All children of school age, otherwise eligible, residing within the boundaries, of any United States reservation, national forest, or national park shall be admitted free of tuition to the public school of any adjacent school district. The United States authorities shall cooperate with the local district authorities in enforcing the compulsory attendance law in regard to these children. The school district shall be reimbursed for their attendance from the state current school fund by the addition of half a day's attendance to each day actually attended.

Employment Permits (5073). During the time that school is in session, no child under fifteen shall be employed without a written excuse from the school superintendent, as provided in Section 5072, together with a certificate showing the reasons for his employment, his age, his residence, and the time for which the excuse is given. The employer shall keep this certificate on file during the time the child works for him. Proof that any child is employed during school time without a certificate is evidence of the violation of this act.

Notice to Districts (5080). The county superintendent of schools shall notify in writing all school officers on or before August fifteenth of each year of the provisions of this act. The clerk of each school district shall include in his annual report to the county superintendent a sworn account of the enforcement of the compulsory-attendance law in his district. A clerk who knowingly makes a false report is guilty of a misdemeanor and shall be fined a sum not less than (\$25.00) nor more than one hundred dollars (\$100.00). If he refuses or neglects to make the report, he is liable to his district for all losses the district shall suffer.

Attendance Officer: Appointment (5075). In incorporated city districts the directors shall appoint the attendance officer. In all other districts the county superintendent or some one appointed by him shall act in that capacity.

Powers (5076). The attendance officer shall be vested with police powers and shall have the authority to enter any place in which children are employed, to make investigations and to enforce the attendance law. He may take into custody any child of compulsory school age who is a truant from school and conduct him to his parents for explanation as to why he is not in school; or take him to the school; or if he is a habitual or incorrigible truant, to the justice of the peace for a hearing. The justice if convinced that the child is a habitual truant, or that he is guilty of willful and continued disobedience, or that his conduct is injurious to the school may bind him over to the superior court. The attendance officer shall institute proceedings against any parent, guardian, company, person, or corporation for violation of this act.

Costs (5083) Attendance officers are not liable for costs incurred in the performance of their duties.

Penalties: Parents (5074). Parents who fail to comply with the compulsory school law shall be punished with a fine of not more than twenty-five dollars (\$25.00) on the complaint of the attendance officer to the justice of the peace or to the superior court.

Officers and Teachers (5081). Any officer, teacher, or superintendent who fails to enforce the compulsory attendance law is guilty of a misdemeanor and shall be fined not less than twenty dollars (\$20.00) nor more than one hundred dollars (\$100.00).

Against Employers. See "Vocational Training and Rehabilitation," below, pp 213-14

Courts Having Jurisdiction (5078). The justice court, the municipal court, and the superior court have concurrent jurisdiction over violation of the compulsory-attendance law.

School Attorney (5079). The prosecuting attorney shall be the district's legal counsel in all cases involving the enforcement of compulsory attendance.

Government Schools: Attendance Compulsory (5084). When the federal government or the state establishes a school for general educational purposes within the state and provides the expenses for tuition, lodging, food, and clothing, it is compulsory for all eligible children between five and eighteen years to attend for the annual term of nine months. Excuse from attendance is granted by the principal or the superintendent if the child is physically or mentally unfit, or if he is attending a public or a private school or is receiving instruction at home in the same courses as are usually taught in the public schools.

If the child lives ten or more miles away from the government school, he is not forced to attend unless the federal government or the state provides free transportation.

Notice (5085). Before bringing proceedings against the parents (or parent) or guardian for the non-attendance of a child, the superintendent or principal shall serve a notice on him or her demanding the attendance of the child. The notice shall designate the school which the child is to attend and include a copy of this act. The parent or guardian shall have ten days within which either to send the child to school or to furnish satisfactory proof that the child is physically or mentally unfit to attend.

Penalty (5086) (5087). If parents fail to comply with the compulsory attendance notice within the ten days after having received the notice, the superintendent or the principal shall cause a demand to be made on them to pay a fine of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00) for the first offense, and not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for every subsequent offense. In addition, the parents shall pay the cost of collection. If the fine is not paid within five days after the demand has been made, proceedings shall be started by the school against the parents or guardian. This law shall not be enforced when children are actually needed to help support their parents.

Falsifying Reports (5056). Any teacher who knowingly reports the false attendance of pupils shall forfeit his certificate, which shall not be restored nor a new one granted within a year. Pupils who have completed the required work, however, may be excused from final examinations and credited with attendance during the examination time.

Compulsory Attendance at Vocational and Part-Time Schools. See "Vocational Training and Part-Time Schools," below, pp. 212-14.

Census: Persons Included (4807) (4842). The clerks of school districts shall take a census of all children between the ages of five and twenty-one years who reside in their particular districts.⁹ Indians not living under the guardianship of white persons and not having severed their tribal relations shall not be included. Parents are required to sign the census. Names of defective children are on a separate list. On

⁹At present the census is taken only when requested by the State Superintendent of Public Instruction.

or before the fifteenth of July the clerk reports this to the county superintendent.

Children on Reservations (4680-3). The clerk of the district which lies adjacent to any United States Reservation and which has the majority of the reservation children attending its schools shall include the children of the reservation in his census.

Use (5077). At the beginning of each school term every school clerk shall turn over to the school faculty a copy of the last census of school children in the district. It is the duty of all the faculty to report all cases of truancy or incorrigibility to the truant officer.

Common Schools: Curriculum

Subjects Emphasized (4681). All common school subjects shall be taught. Special emphasis shall be given to hygiene, including the effects of alcohol, narcotics, and stimulants on the human system. Attention must be given during the entire course to the cultivation of manners; principles of honesty, honor, industry, and economy; laws of health and physical exercise; ventilation and temperature of the school room. A minimum of ten minutes shall be spent each week in systematically teaching children about kindness to all living creatures.

Social Sciences: History (4897) (4898). Because knowledge of American history and government is considered to be indispensable to good citizenship, to an accurate understanding of our institutions, and to a proper appreciation of state and national ideals, the State Board of Education has prescribed a high school course of study in these subjects and has made their study a prerequisite for graduation from any high school, one full year of study being required before graduation.

Constitution (4898-1). The study of the constitutions of the United States and of the state of Washington is also a prerequisite to graduation from all elementary schools and from all high schools.

Citizenship (4855). Teachers shall endeavor to impress on the minds of pupils the principles of free government, morality, truth, justice, temperance, humanity, and patriotism. They shall teach them to avoid idleness, profanity, and falsehood, and shall train them to a true comprehension of the rights, duties, and dignity of American citizenship.

Penalty (4847) (4846). Any teacher failing to teach patriotism and American citizenship, and any director knowingly permitting

such a person to teach, shall both be guilty of a misdemeanor.

No person who has lost his certificate for failing to teach patriotism or American citizenship shall be permitted to teach in any public school of this state, nor shall a certificate or a diploma be issued to him.

Special Studies: *Temperance-Citizenship Day* (4901-1) (4901-2). The sixteenth day of January, or the school day that comes the nearest to the sixteenth, shall be observed in all public schools as "Temperance and Good Citizenship Day." The program for its observance is prepared by the State Superintendent of Public Instruction. It shall include materials on the advantages of temperance to citizens and to the state, biographies of great leaders in temperance and citizenship, the effects of alcoholic and narcotic poisons on the human system, and the necessity for obedience to and respect for the laws of the state and of the nation.

***Armistice and Admission Day* (4899 Supp.) (4900).** November eleventh, or the Friday preceding, when the eleventh falls on a non-school day, shall be observed in all common schools and all institutions of higher learning. When November eleventh falls on a school day, it is a legal holiday for all schools.

An hour program shall be held for the purpose of setting forth the part the United States and the state of Washington took in the World War, together with the principles connected with our participation in the War. It shall also review the leading events in the history of the state of Washington and Washington Territory, including the history of the pioneers and other topics tending to instill loyalty and devotion to the United States laws and institutions.

Hygiene Teaching Compulsory (5046) (5047). On receipt of a written complaint from the head of a family or from the district clerk that hygiene (with special reference to the effects of alcohol and narcotics) is not being taught in the school district in which the person making the complaint resides, the county superintendent shall immediately investigate. If he finds the charges are true, he shall notify the county treasurer, who shall refuse to pay any warrants thereafter drawn by the board of directors of the school district, until notified by the county superintendent that the district is complying with the law. For failure to enforce this law, the county superintendent is liable to a fine of one hundred dollars (\$100).

Physical Education: Elementary (4682). Every pupil in the first eight grades of all public schools shall have an average of at least twenty minutes daily training in physical education. Excuse from this may be had on account of physical disability or religious belief.

Higher Schools (4683) All high schools may and all higher institutions of learning shall emphasize the work of physical education, at least ninety minutes each week being devoted to this work. Here, as in the elementary schools, pupils may be excused on account of physical disability or religious belief. Participation in directed athletics or military science and tactics also serves as the basis for an excuse. High school pupils may also be excused upon the written request of parents or guardians.

Enforcement (4686). It is the duty of all school officials and faculty to enforce the above provision.

Eighth Grade Examinations: Provisions (5089) (5090) The State Superintendent of Public Instruction shall provide the schools with examinations prepared by the State Board of Education for pupils who have completed the elementary schools. These examinations shall not be given oftener than three times a year. The county superintendent has general charge of giving examinations and he may appoint assistants to aid in conducting them. Passing these examinations serves as the basis for admission into any high school in the state. The examinations are optional in districts maintaining standard supervision as defined by the state board.

Reading Course (5091) The county board of education grades the manuscripts of the pupils taking these examinations. No questions shall have been used except those prepared by the State Board. The State Board also has the power to prescribe a special reading course for the last year of the elementary school course as a prerequisite for receiving certificates of graduation.

High School Extension Work: Course (5093) and Examination (5094). The State Board of Education shall outline a course of reading and study similar to the regular high school course for persons not taking a full course in a regular high school. The Board shall also provide for the examination and certification of those completing the course, the examinations to be sent by the State Superintendent on the request of the county superintendent. Pupils wishing to take the examinations shall notify the county superintendent at least thirty days before the examination date and secure his permission to take the ex-

amination A pupil failing in one examination may take another on the same subject, provided that he completes each year's work of a lower grade before he completes the work of a higher grade

Certificates (5095). A state high school certificate shall be issued to those who successfully pass the examination. This certificate shall entitle the holder to enter the freshman class of the state university and any other class in the other state educational institutions as may be specified by the State Board of Education.

Common Schools. Discipline

Obedience by Pupils (4690) Pupils shall comply with the rules and regulations of schools, shall follow the prescribed course of study, and shall submit to the authority of the teachers. Continued and willful disobedience or open defiance of the teacher's authority are grounds for expulsion from school.

Suspension of Pupils (4854) Teachers have the power to hold every pupil to a strict accountability for disorderly conduct on the school grounds and on the way to and from school. Pupils who are guilty of disorderly conduct may be suspended by teachers, the suspension to be immediately reported to the directors.

Note. The expulsion of pupils may be done only by the board of directors (See item b under "Board of Directors" [Sec. 4776 Supp.], above, p 190)

Abuse of Pupils (5052) Any teacher who maltreats or abuses a pupil by administering unjust punishment on his head or face shall be guilty of a misdemeanor and shall be fined a sum not exceeding one hundred dollars (\$100.00)

Destroying Property (5057). Any pupil who mutilates or injures the property of the school district is subject to suspension and punishment, and his parent or guardian is liable for the damages.

Disturbing Schools (5055) Any person who wilfully disturbs a school or a school meeting shall be deemed guilty of a misdemeanor and upon conviction shall be fined a sum not to exceed fifty dollars (\$50 00).

Abusing Teachers (5054) Any person insulting or abusing a teacher in the presence of his school pupils or anywhere on the school premises shall be deemed guilty of a misdemeanor and shall be liable to a fine of not less than ten dollars (\$10 00) nor more than one hundred dollars (\$100.00).

Common Schools: Fire Drills

Time (5106). Fire drills shall be held twice each school month in all public and private schools and in all educational institutions within the state. The purpose is to train instructors and pupils how to leave the buildings in the shortest possible time and without confusion and panic.

Penalty (5107). Teachers, superintendents, principals, or other persons in charge of a school who fail to hold these drills are guilty of a misdemeanor and shall be fined a sum not to exceed fifty dollars (\$50).

Regulations (5108). School directors or any person having charge of the schools in any town or city shall supply their teachers with a copy of these regulations, and the State Superintendent of Public Instruction shall publish them in the *State Manual of Washington*.¹⁰

Exemption (5109). The above fire drill provisions do not apply to colleges or universities.

Common Schools: Health Provisions

Contagious Diseases (4689). No pupil, teacher, or janitor shall attend school from any house in which there is a contagious or infectious disease. Nor shall any one be permitted to return to school until three weeks have elapsed from the beginning of the convalescence of the patient or upon the receipt of a certificate from a registered physician in good standing; this does not apply to those who have had measles, chickenpox, or whooping cough (not malignant) and who have fully recovered. No person who has pulmonary tuberculosis shall attend or be employed by any school.

Physician and School Nurse (4776-4 Supp.). The board of directors of any second- or third-class district may employ a regularly licensed physician and a licensed public health nurse for the purpose of protecting the health of the children of the district.

Note: As the powers of directors of first-class districts include those of the second- and the third-class districts, this section pertains also to them.

Free Milk (4806 Supp.). The board of directors of any school district may provide milk to any child under fourteen (in need of

¹⁰ The last revision was published in 1938 by Stanley F. Atwood at Olympia, Wash.

it) on each day that he attends school. This milk shall be in suitable individual sterilized receptacles, and in quantity, to be not less than one-half pint of pure whole milk. The cost is to be paid, as any other expense, by the district.

Note: Although in Remington this section is under "Directors of Districts of the First Class" (Chapter 19), it really pertains to all districts. It is Section 1, Chapter 15, Laws of 1935, and amends Section 1, Chapter 152, Laws of 1923, which provided for only first-class districts having this power. The 1923 laws, in turn, had amended Section 1, Chapter 190, Laws of 1921, which had provided only for districts in first-class cities having this power

Lunch Rooms (4706-1 Supp.) School districts may establish and operate lunch rooms in the school buildings for pupils and teachers, provided that the costs shall not exceed the revenue derived from the sale of the lunches in any school year.

Common Schools: Kindergartens

Establishment (5096). Boards of directors of first- and second-class districts have the power to establish free kindergartens for the children between four and six years residing in the district.

School Day (5098). The length of the kindergarten day shall be three hours. Two hours daily attendance, however, may be counted as a full kindergarten day for estimating state and county financial aid. As stated in Section 4923 Supp., a kindergarten day is evaluated as half a regular elementary school day. Only one two-hour day shall be credited in any single day, and only the attendance of children who are five and six years of age shall be counted.

Teachers (5099). Kindergarten teachers and supervisors shall be certified by accredited kindergarten training schools or by the kindergarten departments of the state colleges of education or of normal schools whose kindergarten departments are accredited by the State Board of Education

Common Schools: Libraries

County Circulating: Establishment (4926). The county superintendent of schools may establish a circulating library for the use of children in the common schools of the county.

Support (4927). The library is supported by a levy not to exceed one-tenth of a mill on the assessed valuation of the county.

Books (4931) (4930). It is the duty of the county superintendent to purchase the books and to make rules and regulations for their distribution, use, care, and preservation. No book shall be purchased unless it has been approved by the State Board of Education or the State Superintendent of Schools.

Public School Libraries. See PUBLIC LIBRARIES AND MUSEUMS (Topic 26).

Common Schools: Nonresident Pupils

High School Admission Guaranteed: State Residents (4718) (4877 Supp.). *Admission for All.* All high-school districts must admit all state residents of school age from non-high-school districts who present satisfactory evidence of having completed in a creditable manner the eighth grade course of study. In order to receive the extra attendance credit for its junior and its senior high schools, a district must admit the above-mentioned children without tuition charges.

Costs (4715) (4714). This education is tuition-free for the children. The high-school district is reimbursed, however, for educating nonresident pupils from a fund raised by a levy (not to exceed four mills) spread by the board of county commissioners over all non-high-school districts in the county and apportioned by the county superintendent to the high schools attended. The amount which each district receives is based on the district clerk's report of the attendance of nonresident children and the cost of educating them.

Admission Arranged (4780) *Interstate High-School Pupils.* High-school districts which lie adjacent to a non-high-school district in another state may make arrangements with the outside district for the attendance of the latter's children on the payment of tuition, provided the laws of the other state permit the extension of similar privileges to children of this state. Any non-high-school district of this state may arrange for and pay the tuition for its children's attendance in the high school of the adjoining district in the other state.

Grade Pupils: Directors of adjoining school districts may make arrangements for the attendance of children in whichever schools are the most convenient for them. If no special arrangements have been made by the directors, children may still attend a school outside their own district, but tuition may be charged by the school district attended. This applies also to children from districts not adjacent.

Attendance Credit (4874). Attendance credit for pupils under the ninth grade attending any public school outside their district belongs to

the resident district if it maintains the grade in which they are enrolled. This shall prevail except when the two boards agree otherwise.

Orphan Home Children (4874-1). For the attendance of children living in orphan homes that are exempt from taxation and are located in the district where the children attend school, the district shall receive in addition to the regular attendance credit an amount from the state and the county funds in the ratio of two-thirds and one-third, respectively equal to the current average state cost per day per pupil for the grade which they are attending.

Public Utility Plants (4680-5) Any city operating a public-utility electric-generating plant outside its limits and within any school district may contract with that district for educating the children of the persons employed at the plant.

Common Schools. Safety

Doors (2525). All doors used for admission to or exit from any public building or any part thereof in which people congregate, including schools, shall swing outward. They shall be kept unlocked during the time the building is occupied, and shall be in such a condition that in case of danger, they shall not hamper immediate escape. Violation of this law shall be a misdemeanor.

School Patrol (6360-130 Vol. 7A.) The State Superintendent of Public Instruction, through the local superintendent or other officer, shall appoint from the student body of any public or private school the members of the local school patrol, who shall work under the direction of any local peace officer. Patrol members shall serve without compensation. They shall wear the insignia "School Patrol" while on duty. They are authorized to display "Stop" or other traffic-direction signs at school crossings or at other points where school children are crossing or are about to cross, a public highway. It is unlawful for a driver of a vehicle to disobey any signals given by them when they are wearing or displaying the patrol insignia.

Safety Signs (6400-49 Vol. 7A). School signs urging caution on the part of drivers on the highway while passing schools are among the standard uniform state highway safety signs that are designated, erected, and maintained under the supervision of the State Director of Highways.

Speed Passing School Grounds (6360-64 Vol. 7A). Twenty miles an hour is the maximum speed for vehicles passing school houses

on school days, or any public playground, or any marked school crossing between the hours of 8:00 A.M. and 5:00 P.M.

Common Schools: Special Schools

Kinds (4925-21 Supp.). Three kinds of ungraded schools may be established for children who are not able to benefit by regular class room instruction: the "special" school for physically or mentally defective children, the "opportunity" school for pupils over age and over size for their grade, and the "remedial" school for retarded children. An enrollment of at least six children is required for a special school or room.

Establishment: *Inter-District* (4925-22 Supp.) (4925-23 Supp.). Two or more second- and third-class districts, adjacent or nearly adjacent to each other, may unite to establish a special school. On a petition from the majority of the school directors of each of these districts, the county superintendent of schools shall, if an investigation shows the need of such a school and available space for it, establish it within thirty days.

Inter-County (4925-24 Supp.). Special schools may be established in adjacent districts lying in different counties, the county superintendents acting jointly.

Note: For first-class districts, see "First-Class Districts (4805)" under "Administrative Regulations," above, p. 191, item d.

Administration (4925-25 Supp.). The administration shall be by the board of directors in the district in which the school is located, preferably in a second-class district.

Extra Financial Support: Pupil Transportation (4925-27 Supp.). The state reimburses the districts for transporting the children to special schools, to the extent of eighty per cent of the cost of transportation.

Attendance (4925-28 Supp.). Twenty-five hundred days are credited for each special room plus the double amount allowed for attendance at schools for defectives; these extra funds are to be spent for the special rooms only.

Teachers and Textbooks (4925-29 Supp.). Teachers shall be employed, and textbooks shall be selected, on the advice and approval of the county superintendent of schools.

Assignment of Pupils (4925-30 Supp.). In third- and second-class districts, pupils are assigned to the special rooms or schools

by the county superintendent upon the recommendation of a teacher or a superintendent after the parents have been consulted and after the proper tests show that the pupils in question will be best served by these schools. The assignment is for any length of time that the advancement of the pupils necessitates.

Rules and Regulations (4925-31 Supp.). The State Board of Education makes all rules not provided by law for the operation of special schools.

Common Schools: Transportation

Establishment (4776 Supp.). *Children Affected*: Boards of directors have the right to provide transportation for children to and from school, whether the children live within the school district or not, when in the judgment of the board, the best interests of the district will be subserved thereby. The board cannot be compelled to transport children living within two miles of the school. When children are transported from another district, the directors of the respective districts may enter into a written contract to provide for the division of costs.

Insurance. When children are transported by the district in its own motor vehicles and by its own employees, the board shall have the power to provide insurance to protect the district against loss by reason of theft, fire, property damage, and liability for damages. If the board contracts with some person for the transportation of children, it may require that person to carry insurance for the vehicle covering liability, collision, etc.

Provisions (4719 Supp.) (4719). *Commission*: The transportation routes are either established or approved by a commission working in cooperation with the local school board. This commission consists of the county superintendent of schools, a representative of the State Superintendent of Public Instruction, and a member of the local board.

Individual Transportation: When it seems wise to the commission, it may authorize individual transportation for pupils who cannot conveniently be served by the district busses. It may also require children living within two miles of an established route to travel to the route at their own expense.

State Aid: The state shall reimburse the district on the basis of one-half cent a mile per pupil per day up to fifty per cent of the total cost. However, none is given for pupils living within two miles of the school. The state's part of the cost is resolved into days attendance values and added to the total attendance for state appropriation.

Inter-District Agreements: As stated above, the county superintendent may authorize a local district to arrange with another district for the education of its pupils for one year on terms mutually satisfactory to both districts. The time may be extended by the county superintendent at his discretion.

Non-high school districts may provide transportation of their high school pupils to the most available high school. It may also enter into agreements with other districts, whether high school or non-high school, to jointly provide and pay for transportation of pupils. These arrangements shall be in writing, and the original shall be filed with the county superintendent.

School Bus: Defined (6312-1 Vol. 7A). A school bus is any motor vehicle owned or contracted for by a public or governmental agency and operated for the transportation of children to or from school or school activities.

Bus Signals (6360-45 Vol. 7A) All school busses shall be equipped with "Stop" signals which shall be displayed so as to be seen from both the front and the rear of the bus. The letters on the signal shall be not less than eight inches high on contrasting background which shall be at least twelve inches square. The signal shall extend to the left of the body of the car and be manually controlled by the operator. It shall be displayed only when passengers are boarding or leaving the bus, and released only when they are received or discharged therefrom and have no further need of its protection in crossing the highway or otherwise. When the "Stop" sign is displayed, all approaching or passing cars must come to a complete stop at least twenty feet away from the bus whether the bus is on or off the roadway, and they must remain standing until the sign is released. At all times drivers of other cars must use reasonable care in approaching or passing a school bus.

Regulations (6360-131 Vol. 7A) Regulations regarding the design, marking, and mode of operation of publicly or privately owned school busses shall be made by the State Superintendent of Public Instruction by, and with, the advice of the State Director of Highways and the chief of the Washington State Patrol. These regulations must conform to state law and shall govern all school districts, persons contracted with, employees, and officers.

Age of Operators. See "Age of Public Carrier Operators" under MOTOR VEHICLE OPERATORS (Topic 21).

Common Schools: United States Flag

Exercises and Salute (4777). Each school district shall possess a United States flag to be kept in good condition and to be displayed on or near each school building during the time school is in session when the weather permits. Appropriate flag exercises at which the flag salute shall be given by the pupils shall be held at least once each week.

Penalty (4778). Teachers or school officials who fail to comply with this provision are guilty of a misdemeanor and shall be fined a sum not to exceed ten dollars (\$10 00). In addition, any school employee thus guilty may be discharged by the board of directors.

Common Schools: Miscellaneous Provisions

Accidents (4706) Action cannot be brought against a school district or its officers for any noncontractual acts or omissions of acts. This applies to its agents, officers, and employees, and it relates to accidents occurring on or with parks, playgrounds, athletic apparatus or appliance, field houses, or manual training equipment. It makes no difference whether they are situated in or about any schoolhouse or elsewhere, provided they are owned, operated, or maintained by the school district.

Admission Age (4680). Children between the ages of six and twenty-one years are eligible for admission to the public schools in the district in which they reside.

Appeals (5065) (5064) Persons who are dissatisfied with any decision (or failure to make a decision) of a school board may appeal to the county superintendent of schools. If dissatisfied with the county superintendent's decision or his failure to decide, they have the right of further appeal. When the trouble is in regard to teachers or to the operation or management of the school, this additional appeal shall be taken to the State Superintendent of Public Instruction. In all other situations, the appeal shall be taken to the superior court of the county in which the district is located. Appeals must be taken within thirty days after the previous hearing.

Playgrounds: Rental (4776-1 Supp.). Boards of directors of school districts may permit the use of, or may rent, school, playground, and athletic fields to persons or corporations for athletic purposes when school is not in session, or when the fields are not used for a public purpose.

Control (4776-2 Supp.). The directors shall retain the power to make the rules and regulations governing the rental charges and the use of these grounds by others.

Private School Reports (4876 Supp.). In order that a complete record be made of the education given to all the children residing in the state, private schools shall be required to report annually their attendance to the county superintendent of schools on or before the thirtieth of June.

Public School System (4518). The public school system includes the common schools (elementary, high schools, special schools), technical schools, higher educational institutions, the state training schools, schools for defective youth, and other institutions as may be established by law and maintained at public expense.

Note: See also "Constitutional Provisions," above, p. 189.

School Day (4687). A school day consists of six hours (exclusive of noon intermission) for all pupils above the primary grades. The board, however, may fix the day for less than six hours (exclusive of noon intermission) but not less than four hours for primary grades, nor less than five hours for pupils above the primary grades. Primary pupils may be dismissed after attendance of four hours unless the board rules otherwise.

School Term (4691). All districts shall maintain school for not less than six months each year.

Sectarian Influence (4693). All schools supported wholly or in part by public funds shall be free from sectarian influences or control.

Note. See also "Constitutional Provisions" and "Institutions of Higher Learning," above, p. 189, and below, p. 218, respectively.

Sale of Textbooks (4905-1). In districts where free textbooks are provided, the directors may sell any text used in the school to a pupil at the price set by the legal textbook commission but not to exceed the cost price to the district. The sale shall be made only on the voluntary application of the purchaser and while the child is attending the school or within thirty days after his graduation therefrom.

Minimum Age of Teachers (4969). No person under eighteen years of age shall receive a certificate to teach in the state of Washington, nor shall he be allowed to take the examination for the certificate.

Court Rulings

Accidents: A school district is liable for injuries sustained by a student in a football game if it maintained a football team under the direction of its teachers and employed a coach or trainer to direct it and he induced, persuaded, and coerced the student to engage in a game when he knew or should have known that the student had been injured and was physically unfit to participate:

Morris v. Union High School District 160 Wash 121 (1931).

See also:

Stovall v. School District No 49 110 Wash 97 (1920).

Hutchins v School District No 81 114 Wash. 548 (1921).

Rice v School District No 302, Pierce Co. 140 Wash. 189 (1926).

Sectarian Influences The giving of credits for Bible study done outside of school, furnishing an outline of study, conducting examinations, and the rating of papers, covering the historical, biographical, narrative, and literary features of the Bible violates the constitutional provision that no public money shall be applied to any religious worship, exercise, or instruction:

State ex rel Dearle v. Franer 102 Wash 369 (1918).

Transportation: A school district operating a bus for conveying children to and from school, acts as a carrier and must exercise the highest degree of care (not ordinary care) consistent with the practical operation of the bus.

Phillips v Hardgrove 161 Wash. 121 (1931)

Compulsory Attendance: Private instruction by a parent experienced and qualified as a teacher does not meet the requirements of the statute requiring attendance of every child at a public or an "approved private school":

State v. Connort 69 Wash 361 (1912)

"The legislature has power to require all minors to attend the public schools":

State ex rel McFadden v. Shorrock 55 Wash 208 (1909)

Truant Schools (Parental Schools)

Establishment (10309). One or more truant or parental schools may be established by the board of school directors in a city of fifty thousand (50,000) or more population. The purpose of these schools is for the confinement, discipline, instruction, and care of

children of compulsory school age who are committed to these schools.

Site (10310). The site may be inside or outside the city limits, but it must be within ten miles of the city and must not be near a penal institution.

Management (10311). The school board has the same power of management as for any other public school.

Commitment (10313). Commitment is made on a sworn petition presented to the superior court by a truant officer or any reputable citizen of the city in regard to any incorrigible child of compulsory school age who is a habitual truant and who is not attending school. The petition shall show, if possible, the parent's (or guardian's) name together with his consent to the child's commitment. No child who has been convicted of any offense punishable by commitment to any penal institution shall be admitted. If such a child is committed to the school, he may be returned to the court, and he shall not be sent back to the school without the consent of the board of directors.

Hearing (10314). On receipt of the petition, the clerk of the court shall order the sheriff to bring the child before the court for a hearing. A notice is sent to the parent (or guardian) if his whereabouts is known, in order that he may appear before the court to resist the commitment. If the evidence warrants, the judge commits the child to the school to stay until he becomes fourteen years of age, unless sooner discharged.

Clothing (10315). The parent (or guardian) shall provide the child with suitable clothing at his entry and from time to time thereafter upon the written notice of the superintendent. If the parent or guardian fails or refuses, the board shall supply the clothes and shall bring action against him for the cost plus ten per cent.

Non-Sectarian (10312). No religious instruction shall be given, but the board may make suitable regulations for the inmates to receive religious training either by religious services at the school or by permitting the children to attend services outside the school.

Incorrigibles (10319). If a child is so incorrigible as to be a bad influence on the other children in the school, the board shall authorize the superintendent to petition the superior court for his removal. The court then has the power to commit the child to a reformatory.

Parole: Rules (10316). The board makes the regulations for the parole of children to their homes. However, the children on parole remain under the legal custody and control of the school and may be taken back to the school by the superintendent if conditions warrant it. No child may be paroled within four weeks from the time of his commitment, and thereafter only if the superintendent is satisfied from the child's conduct that he will regularly attend the public school or a private one.

Monthly Reports (10317). The principal of the school which the parolee attends shall make to the superintendent of the truant school a monthly report of the child's attendance and behavior. If his attendance and behavior are satisfactory for the period of one year, the child shall be discharged from the jurisdiction of the truant school, not to be recommitted except on another petition.

Violation (10318). Any child violating the conditions of his parole within one year from the date of his release on parole shall, upon the order of the board of directors, be taken back to the truant school and shall not be re-paroled until after a period of three months. Violation of the second parole prevents him from being re-paroled until after one year has passed.

Note: Because this chapter on the truant and parental schools was not included in the school code of 1919, it was not repealed by that law; accordingly, it is still in force.

Vocational Training and Rehabilitation

General Plan (4921 Supp) *Courses*. Vocational education under this act consists of courses in agriculture, trades and industry, home economics, training for public service, distributive education, and the rehabilitation of handicapped persons.

Administration: Members of the State Board of Education constitute the State Vocational Board with full authority over all vocational education conducted in Washington under the Federal Vocational Act.

Vocational Schools: Kinds (4924). Three kinds of schools or classes may be established for the purpose of offering vocational education as provided for in this act. They are regular day schools, part-time schools, and evening schools, the latter being supplemental to daily employment.

Establishment (4923 Supp). The board of directors of any school or educational institution under public supervision or control may

establish and maintain these schools or classes, the instruction to be lower than college grade.

Part-time Schools (4911). *Establishment:* Part-time schools (one of the kinds of schools mentioned above) may be established by the board of directors of any school district on the written request of twenty-five adult residents, provided there are fifteen or more resident minors over fourteen and under eighteen years who are employed and who are not attending school, and who would (under this act) be required to attend the part-time school if it is established.

Classes: Classes shall be held at least four hours weekly during the school term. The hours for classes are to be between 8:00 A.M. and 5:00 P.M. on school days, and between 8:00 A.M. and 12:30 P.M. on Saturdays.

Districts Reimbursed (4917). Districts that meet state and federal standards shall be reimbursed from both the state and the federal governments for the salaries of teachers and supervisors, and the expenses of the latter. This shall not deprive the districts from receiving their share of the current state school fund.

Compulsory Attendance (4907) (4912) *Children Included:* All resident minors or those employed in school districts in which part-time schools are maintained shall attend school until they reach the age of eighteen. This attendance shall be either full time at a regular day school or for at least four hours each week at the part-time school.

Exceptions: The following children are exempt: those who have completed high school or its equivalent; those who are excused by the directors as provided for in Section 4908 given below; those who, on account of poor health, have received certificates from a reputable physician that school attendance would injure their health; those who are already in attendance at a part-time school and are employed in accordance with the terms of any state or federal act which regulates the employment of minors under eighteen years.

Penalty: Any parent, guardian, or custodian of a child violating this act shall upon conviction be punished by a fine of not less than five dollars (\$5) nor more than twenty-five dollars (\$25) for each offense, or by imprisonment in the county or the city jail for not less than one day nor more than ten, or by both the fine and the imprisonment.

Employment Permits (4908). Applications for employment permits and for permission to leave school may be made to the school directors or to the permit officers by the following persons:

Any minor between fourteen and eighteen years who has finished the eighth grade, or who, in the opinion of the local superintendent in districts of the first and of the second class or of the county superintendent in districts of the third class, cannot further benefit from school attendance.

Any minor between fifteen and eighteen years of age whose employment the board or the permit officer finds is warranted for the needs of his family or for his own welfare, provided that, in the judgment of the board or the permit officer, the work is of a kind in which a minor may legally be employed.

The permit shall include the age of the child, the grade attained in school, and the name of the prospective employer. Additional proof of age may be required by the board, and in cases of reasonable doubt such proof shall be required.

"Employment" in this act shall be interpreted to include not only regular labor but also home work, home study, or private instruction given by a responsible parent or guardian who is approved by the board or by the permit officer. This home study is under the supervision of the school

Employer's Responsibility (4909). Each employer shall require and keep on file during employment (except during vacation) the employment permit of every minor under eighteen. Within ten days after the employment begins, he shall notify the school authorities of the employment, and within ten days following the termination of the employment, he shall return the permit to the school authorities.

Permit Records (4910). School authorities of the first- and the second-class districts and the county superintendent for third-class districts shall keep records of all work permits and shall send duplicate copies of the records to the State Superintendent of Public Instruction on the first day of October, January, April, and July. The State Superintendent of Public Instruction shall furnish a copy of the records to the Director of Labor and Industries.

Attendance as Employment (4913). If the hours for which minors under eighteen may be employed are fixed by federal or state laws, the hours of attendance at a part-time school shall be counted as part of the time fixed for such employment.

Penalty for Violation (4914). If employers do not permit employed minors under eighteen to attend part-time schools the required time, they shall be fined a sum of not less than ten dollars (\$10) nor

more than five hundred dollars (\$500) for each offense, or imprisonment in the county jail for from one to ten days, or by both the fine and the imprisonment.

Attendance Officer (4918). The regularly employed truant officer of the district shall have charge of enforcing the attendance of children over fourteen and under eighteen years of age at the vocational part-time schools.

Permit Officer (4906). The board of directors in districts of the first and the second class designates a person to act as permit officer, and the county superintendent, or some one appointed by him, acts as permit officer in third-class districts.

Vocational Rehabilitation: Plan Defined (4925-1 Supp) (4925-5 Supp). In 1933 Washington accepted the provisions and the benefits of the federal act which provides for the rehabilitation of disabled persons whose capacity to earn a living has been destroyed or impaired and for their placement in remunerative occupations. A division for vocational rehabilitation shall be established as part of the State Board for Vocational Education to have charge of this work.

Eligibility for Rehabilitation (4925-2 Supp.). Persons eligible for rehabilitation are those who (because of physical defects or infirmities) are totally or partially incapacitated for remunerative occupations or are in danger of becoming so, and who seem to be capable of rehabilitation Vocational rehabilitation means rendering a disabled person fit to engage in a remunerative occupation.

Institutions of Higher Learning

Note: Washington has five public institutions of higher learning whose names and locations are as follows

University of Washington, Seattle, Washington

State College of Washington, Pullman, Washington

Eastern Washington College of Education, Cheney, Washington

Central Washington College of Education, Ellensburg, Washington

Western Washington College of Education, Bellingham, Washington

The colleges of education are the same institutions as the former State Normal Schools, the change in name having been made in 1937. See Section 4604-1 Supp., Remington's *Revised Statutes*.

Admission Requirements: Academic (4540) (4553) (4568). A student is admitted to the institutions of higher learning on the basis of graduation from an accredited four-year high school in Washington or upon an entrance examination approved by the faculty of the particular institution. Persons more than twenty-one years of age and persons enrolling in extension work, short courses, and summer sessions are exempt from this requirement.

Age (4545) (4574) (4620) No person under sixteen years of age shall be admitted to the University of Washington (4545) or to the State College of Washington (4574), and no male under sixteen years and no female under fifteen years shall enroll at the colleges of education (4620).

Tuition and Fees at University of Washington: Tuition and Special Fees (4546 Supp.). The University of Washington plans its work on the quarter basis and charges the following tuition and student fees for each quarter:

- a A general tuition fee of fifteen dollars (\$15) for persons having lived in the state one year and fifty dollars (\$50) for all others
- b Special tuition fees for summer sessions, short courses, marine station work, correspondence or extension courses, individual instruction, and any other special tuition fees as the board of regents may establish from time to time
- c A law library fee of ten dollars (\$10) for students registered in law
- d Student deposit, disciplinary, laboratory, library, gymnasium, hospital or health fees, and such other fees as the board of regents may establish from time to time

Student Revolving Fund (4548 Supp.). Student fees as given under b, c, and d above shall be held by the regents in a revolving fund and expended for the purpose for which they were raised. The regents have the power, however, to put any fees or rentals received for the use of any dormitory, hospital, or infirmary buildings into a special fund for the retirement of the bonds required for the construction of these buildings.

Tuition and Fees at State College of Washington (4569) The State College of Washington is run on the semester rather than on the quarter basis. Its general tuition for the semester is ten dollars (\$10) for persons having lived in the state one year prior to registration, and seventy-five dollars (\$75) for all others

Note: The board of regents, under the authority vested in it to fix tuition fees (4580) and to make rules and regulations for the opera-

tion of the college (4568), has fixed special student fees covering damage deposits, hospital, laboratory, student activities, gymnasium, etc. Naturally, this may be changed from time to time as the necessity warrants. Also, there are fees for short courses, instruction by correspondence and extension, and for summer session.

Refund of Tuition and Fees (4549) (4571). In neither the University of Washington nor the State College of Washington shall tuition be refunded except in cases of sickness or for other causes over which the student has no control. Fees are not returned for voluntary or enforced withdrawal after thirty days from the date the student registers. Students required to withdraw for disciplinary reasons forfeit the right to the return of any portion of their fees, and in no situation whatsoever shall more than half of the fees be refunded.

Tuition and Fees at Colleges of Education: *Tuition and Discipline* (4616). The colleges of education do not charge a general tuition fee except for extension work. On entering the colleges of education, students shall furnish evidence of good moral character, and any student may be suspended or expelled if he is found to be immoral or if he refuses to obey the rules of the school.

Fees and Assessments (4619). The board of trustees may provide necessary textbooks and supplies to students, who upon admission may be required to pay into the library fund a sum not to exceed ten dollars (\$10) each, one-half of which shall be for the support of the general library and reading room, and the remaining half be a damage deposit for the use of books belonging to the school.

Student Accommodations: *Erection of Buildings* (4543-1 Supp.). The regents or the trustees of the institutions of higher learning have the power to purchase or lease lands and to enter into contracts for the erection of buildings for dormitories, hospitals, infirmaries, buildings for housing and boarding students, and for student activities. Buildings constructed under this plan shall not be a liability to the state.

Self-supporting (4608). The rates charged for boarding and rooming in the halls at the colleges of education shall be sufficient to make the halls self-supporting.

Majors Offered by Each School: *University of Washington* (4533) (4536). Persons wishing to major in law, architecture, forestry, commerce, journalism, library, fisheries, medicine, or marine and

aeronautic engineering will find the University of Washington having exclusive right to offer them as majors.

State College of Washington (4534) (4537). Those wishing to major in agriculture, veterinary medicine, rural or agricultural economic science will find the State College of Washington has the exclusive right to offer them as majors.

By Either (4535). Both the University of Washington and the State College of Washington may offer majors in liberal arts, pure science, pharmacy, mining, civil, electrical, mechanical, and chemical engineering, home economics, and the professional training of high-school teachers, supervisors, and school superintendents. No other public institutions of the state shall teach these major subjects.

Graduate Work (4538). Whenever a subject is authorized, graduate work in it may also be given.

Colleges of Education (4541). Persons wishing to train for elementary school teaching will find the colleges of education having exclusive right to offer this work.

"Model" Schools at Colleges of Education: Purpose (4611). Model schools or departments organized and conducted in harmony with public school needs shall be established by the colleges of education for teacher training. Each student shall take ninety hours of training as a prerequisite to graduation.

Notice to Public School (4612). On or before the first Monday in September of each year, the trustees shall notify the public school board of the district in which the college is located of the number of pupils required for that school year in each grade of the model school.

Pupils Assigned (4613). It is then the duty of the public school board to apportion the required number of pupils to the model school. The principal of the model school may reject any pupils who are incorrigible or who have mental defects that would reduce the efficiency of the training school. The public school board has supervision over the model school.

Attendance Credit (4614). The attendance of the model school pupils is credited to the public school district.

Institute of Child Development: Purpose (4566-1 Supp.). There shall be established at the University of Washington the State Institute of Child Development Research and Service for the purpose of learning the best scientific methods of child service and development. The pro-

gram shall also consist of the dissemination of knowledge and the training of students for work in these fields.

Management (4566-2 Supp) The management and control of this Institute shall be by a director appointed by the Board of Regents of the University of Washington and an advisory board of not more than seven members appointed from the faculty by the president of the University of Washington.

Miscellaneous Provisions: Fire Drills See "Common Schools," above, p 200

Physical Education (4683). See "Common Schools," above, p. 198.

Gambling at University of Washington (5103-1) (5103-3). It is unlawful for any person to carry on gambling within the area of one mile (Section 16, T 25N, R4E) of the University of Washington. Violation of this act is a misdemeanor.

Intoxicating Liquor See INTOXICATING LIQUOR (Topic 18).

Sectarian Influence (4559) (4568) Both the University of Washington and the State College of Washington shall be nonsectarian

Note: In reality the Constitutional Provision (Article IX, Section 4) makes the provision obligatory.

United States Flag (4531-1 Supp) The board of trustees or the regents of each institution shall procure and maintain in good condition a United States flag and cause it to be displayed on the campus during class hours except in inclement weather, and at such times as the board may deem proper.

13. FAMILY

Marriage

Age Required (8437) Marriage is a civil contract and to enter it, males must be twenty-one years of age and females eighteen, and both otherwise capable.

License: Required by All (8450-1 Supp) Before persons marry they shall procure from a county auditor a license authorizing any person, religious organization, or congregation to marry them

Application by Resident (8450-3 Supp.). Three full days before the license shall be issued, an application for a marriage license shall be filed with the auditor of the county in which the applicant is to marry. The application shall be made under oath by each of the applicants and each application shall state the name, address, age, race, occupation, birthplace, whether single, widowed, or divorced, whether under the con-

trol of a guardian, and the residence during the past six months. It shall also include the name and address of at least one competent witness who can testify that the residence given is correct at the time of the application, and any further information that is deemed necessary. After the issuance of the license, no county shall require the persons authorized to solemnize the marriage to secure any further information from the persons to be married.

Application by Nonresident (8450-2 Supp.). A nonresident may secure by mail an application for a marriage license from the county auditor of the county in which he plans to marry, and he shall execute the application before a notary public of the state of his residence.

Affidavits Required (8451). Health. The county auditor shall require each applicant to file an affidavit to the effect that the latter is not afflicted with conditions as stated below under "Criminal and Diseased" (8439).

Crime and Age An affidavit shall also be required by a disinterested responsible person showing that neither applicant is a habitual criminal and that the female is over eighteen and the male over twenty-one

Parent's Consent: The parent's or guardian's written consent must be given for applicants under the legal marriage age, and no license shall be issued in any case in which the female is under fifteen.

Penalty: Any one swearing falsely to any of the facts required shall be guilty of perjury.

License Fee: The license fee shall be two dollars (\$2)

Open for Inspection (8450-4 Supp.). All applications for licenses shall be open for public inspection. For the first three days after being made, they shall be kept separate and readily accessible to the public for examination

Time of Issue (8450-5 Supp.) The county auditor shall not issue a license until the third full day following the date the application was filed, exclusive of the date of filing. The superior court judge, however, may order the auditor to issue the license at any time after the date the application was filed. The court's order shall be filed by the auditor as evidence that the applicants have complied with the legal provisions for obtaining marriage licenses, this fact to be stated in the license

Refusal of License (8450-6 Supp.). The county auditor may refuse to issue a license to marry if in his judgment the application or other information warrants the refusal. The denied parties, however, may

appeal from his decision to the superior court, which shall conduct a hearing at which the auditor shall show why the license should not be granted. After the hearing has been held, or if the auditor fails to appear, the court may order the auditor to issue the license. The hearing may be held privately at the discretion of the court.

By Whom Retained (8453). The person performing the marriage retains the license. The county auditor, however, shall have recorded all the information contained therein.

Violation (8450-7 Supp.). Violation of this act is a misdemeanor.

Solemnization of Marriage: Persons Who May Solemnize Marriages (8441). Marriages may be solemnized by justices of the peace in their respective counties, by judges of the superior courts, by any licensed or ordained ministers or priests, and by judges of the Supreme Court anywhere in the state.

Congregations Eligible (8448). All marriages to which there are no legal impediments and which are solemnized before or in any religious organization or congregation according to the established ritual or form of the organization are valid.

No Particular Form (8443). There is no particular form for the marriage ceremony except that the persons being married must declare in the presence of the person marrying them and of two witnesses that they take each other for husband and wife.

Certificate and Report: Certificate (8444). The person solemnizing a marriage shall give to each of the parties being married, if they require it, a marriage certificate which shall include their names, residence, names of two witnesses, time and place of marriage, date of the license, and the name of the person by whom issued.

Report to County Clerk (8445). The person solemnizing a marriage shall certify the marriage to the clerk of the superior court (county clerk) within thirty days following the marriage. If the marriage was performed in a county other than where the license was issued, the clerk receiving the marriage certificate shall send a certified copy to the clerk of the county where the license was issued, who shall file it as he does marriages performed in his county.

Violation for Failure (8447). Any person failing to report to the superior court his solemnization of a marriage within the specified time shall be guilty of a misdemeanor and shall be fined not less than twenty-five dollars (\$25) nor more than three hundred dollars (\$300).

Court Records (8446). The county clerk as clerk of the superior court shall keep a marriage record of all certificates received. A filing fee of one dollar (\$1) shall be paid by the applicant when he secures his license from the county auditor.

Forbidden Marriages: Close Relatives (8438). No person shall marry who has a spouse living, nor shall persons marry who are nearer than second cousins in relationship to each other whether of whole or half blood as defined by civil law.

Criminal and Diseased (8439). No woman under the age of forty-five, nor a man of any age unless the woman he plans to marry is forty-five or over, shall marry if they are classed as common drunkards, habitual criminals, epileptic, imbecile, feeble-minded, idiot, or insane (or affected with hereditary insanity), or victims of tuberculosis in its advanced stages, or of any contagious venereal disease.

Solemnisation Forbidden (8440). Persons authorized to solemnize marriages shall not perform any marriage ceremony for persons either of whom is listed in 8439 unless the woman is over forty-five years of age.

Penalty (8452). Persons knowingly violating the provisions of 8439, 8440, and 8451 (marrying the unfit and those without proper license) shall upon conviction be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment in the state penitentiary for not more than three years, or by both the fine and the imprisonment.

Gross Misdemeanor (2671). It is a gross misdemeanor for any one to solemnize a marriage when either party is known to be under the age of legal consent, or to be an idiot, or an insane person, an habitual criminal, or a common drunkard, or if there is a legal impediment to the marriage.

Compelling One to Marry (2438). Any person who compels a woman either to marry him or another against her will, or else be defiled, shall be punished by imprisonment in the state penitentiary for not more than twenty years or by a fine of not more than one thousand dollars (\$1,000) or by both imprisonment and fine.

Solemnization by Unauthorized Persons: Punishment (8454). Any person performing a marriage ceremony knowing that he is not authorized to do so, or if authorized, marrying persons contrary to law, shall upon conviction be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

Illegal Marriages (8442): When Valid: A marriage performed by an unauthorized person is not void nor invalid, provided the persons being married or either of them believed they were being lawfully married.

Effect on Children: Children born of such a union attain the status of having been born in lawful wedlock by the subsequent marriage of the parents.

Annulment of Marriage: Reasons (8449). Marriage may be declared void or null upon suit brought by the injured party if either party to the marriage was incapable of giving consent for the reason that he was not of age or of sufficient understanding, or if his consent was obtained by force or fraud.

Degree of Nullity (983). If doubt exists as to facts that would render a marriage void, and if proof is obtained, either party may apply for a degree of nullity of the marriage.

Court Rulings

Under the statutes of Washington, there is no such thing as a common-law marriage. A marriage ceremony must be performed in one of the ways pointed out by the statute in order to render a marriage valid:

In re McLaughlin's Estate 4 Wash 570 (1892)

See also:

In re Smith's Estate 4 Wash 702 (1912)

Kelley v Kitsap County 5 Wash 521 (1893)

In re Wilbur's Estate 8 Wash 35 (1894)

Stans v Batey 9 Wash 115 (1894)

Melon v Industrial Insurance Dept 104 Wash 652 (1919)

Fraud or forgery in securing a marriage license for a minor without the consent of the parents does not invalidate the marriage, there being no statute so providing. A female of the age of 14 is within the common-law age of consent and is not, as a matter of law, incapable of contracting marriage. Parents cannot maintain an action to annul the marriage of their minor child who was incapable of consenting because under legal age. The statute authorizes such actions only by the person under disability:

In re Hollopeter 52 Wash 41 (1909)

A marriage, within the six months prohibited by the divorce in this state, in another jurisdiction to which the parties went for that purpose and immediately returned to take up their residence here, is void

Knoll v Knoll 104 Wash. 110 (1918).

A minor son is emancipated by marriage with the consent of his parents, although it does not remove civil disabilities:

Morgan v Cunningham 109 Wash 105 (1919)

Adultery and Bigamy

Adultery (2457). *Defined:* Adultery consists of sexual intercourse between a married person with any other person not his lawful spouse, and applies to both the persons involved.

Punishment: Punishment shall be imprisonment in the state penitentiary for not more than two years or by a fine of not more than one thousand dollars (\$1,000). Prosecution for adultery shall not be commenced except upon complaint of the other spouse made before a committing magistrate or by filing an affidavit with the prosecuting attorney within one year after the offense was committed.

Bigamy: Defined (2453) Bigamy consists of a married person marrying another or continuing to cohabit with the second spouse. This does not apply to a person whose former spouse has been absent continuously for five years and thought dead, or to one whose former marriage had been annulled. Punishment consists of imprisonment in the state penitentiary for not more than five years.

Penalty against New Spouse (2454) Punishment of the person knowingly marrying or afterwards continuing to cohabit with the one guilty of bigamy shall be imprisonment in the state penitentiary for not more than five years or by a fine of not more than one thousand dollars (\$1,000).

Marriage Certificate as Evidence (2153). If there be no divorce decree, a recorded certificate of marriage or certified copy thereof proves the marriage of a person in reference to adultery, incest, and bigamy.

Spouses as Witnesses against Each Other (1214). Neither the husband nor the wife shall be examined as witnesses against each other without the other's consent. Nor shall either during marriage or afterwards be examined without the other's consent in regard to any communication between them during marriage. The above does not apply in civil actions brought by one against the other, nor in criminal actions for a crime committed by one against the other.

Court Rulings

Adultery applies to both the parties involved regardless of whether one is unmarried or not:

State v. Keith 48 Wash. 77 (1907).

Desertion

Definition (6908). Desertion shall consist of leaving, with intent to abandon, a child under sixteen who is dependent on him or her for care, support, and education; or willfully refusing without lawful excuse to furnish food, clothing, or shelter, or medical attention for his or her child, ward, or children; or abandoning or failing to support his wife, if he has the means or is able to earn the means, unless her conduct justifies it. Desertion is a gross misdemeanor.

Court Proceedings (6909). The punishment shall be as follows:

Fine. A fine may be imposed to be paid in whole, or in part, to the wife or to the guardian, custodian, or trustee of a child, or to an individual appointed by the court. The court may before or after the trial, with the consent of the defendant, order him to pay a certain sum weekly during the time set by the court, and on this basis the defendant may be released on recognizance (with or without sureties). If he complies with all directions of the court, the recognizance is dismissed. In setting the amount to be paid, the court shall take into consideration the defendant's ability to pay.

If the trial was stayed on the basis of the above plan and if the defendant violates the provisions of the agreement, the court may reopen the case and proceed with the trial under the original complaint, or it may enforce the original sentence if the trial had been held.

If collection is made from the bondsman, the court may order the money to be paid in whole or in part to the wife, or to the guardian or custodian of minor child or children under terms set by it. Modification of method of payment may be made by the court at its discretion.

Imprisonment and Labor. The offender may be sentenced to imprisonment in the county jail and to labor on some public work, the wages for which are to be paid monthly by the board of county commissioners to his wife or to the guardian, custodian, or trustee of a child. The wages shall not exceed one dollar and fifty cents (\$1.50) daily.

Collection of Debts. The court may also order the collection of any debts outstanding to the defendant and apply them to the support of the wife or the child.

Seizure of Property. The court may by order or seizure secure any personal property of the defendant which is in the possession of any person and order its sale for the benefit of the wife or the child.

Proof of Willfulness (6910). Proof of the abandonment by the defendant or his failure to provide is evidence of willfulness of desertion. The provisions of Section 6908 are applicable whether the parents are married or divorced and whether or not there is any decree of divorce action relative to alimony or support.

Failure of Sureties (6011). In case of forfeiture of a surety, any sums that are recovered may in the discretion of the court be paid in whole or in part to the wife or to the guardian or custodian of any minor child.

Spouse Legal Witness (6912). The law prohibiting the disclosure of confidential communications between husband and wife does not apply in desertion cases, and each shall witness for or against the other.

Note: This section and 6011 may have been repealed by the Penal Code of 1909, but Remington says that this is not certain since these sections partake of a civil nature.

Court Rulings

The family-desertion law applies regardless of whether the parents are married or divorced:

State v Groth. 126 Wash 388 (1923).

See also:

State v Rutledge 122 Wash 281 (1922)

A decree of divorce awarding the children to the mother, although silent on the question of support, is no defense to a prosecution of the husband for non-support:

State v Rutledge 122 Wash 281 (1922)

A husband under twenty-one years of age may be punished for non-support under the criminal code. The statute making it a criminal offense for a husband to desert or wilfully neglect to support his wife, applies to a voidable marriage between minors, until a decree of annulment is entered by a court of competent jurisdiction:

Under the statute relating to the punishment of delinquent children, a minor husband convicted of non-support should be confined apart from adult convicts:

State v McPherson 72 Wash. 371 (1913).

Divorce and Alimony

Grounds for Divorce (982). Divorces may be granted by the superior court for the following reasons:

- a. Force or fraud in the obtaining of the consent to the marriage of the person now applying for the divorce provided there has been no subsequent voluntary cohabitation.
- b. Unforgiven adultery on the part of either, provided the application for divorce is made within one year after the adultery is known to the applicant.

- c. Impotency
- d. Abandonment for one year
- e. Cruel treatment or personal indignities that make life burdensome
- f. Habitual drunkenness of either or the neglect or refusal of the husband to provide suitably for his family
- g. Imprisonment of either party in a state penal institution if the complaint for divorce is filed during the term of the imprisonment.
- h. Having heretofore lived or hereafter living separate and apart for a period of five consecutive years or more (the time being computed from the time the separation took place)
- i. Incurable chronic mania or dementia of either, the affliction having existed for five years or more while the person was under confinement by order of the court.

Application by Resident (984). Any resident of the state for one year may under oath file his complaint for a divorce or nullity of marriage in the superior court of the county in which he resides. The proceedings shall be held as in civil cases

Prosecuting Attorney's Function (995) *Receive Summons:* Each party to a divorce action shall serve on the prosecuting attorney of the county in which the action is commenced copies of all pleadings, notice of trial, motions or orders therein at the time or immediately following their service upon the opposite party or his counsel. In case the summons is served by publication, a copy of the summons and complaint shall be served upon the prosecuting attorney directly after it is filed in the county clerk's office

Assist Court: In all cases of default or uncontested cases and in all other cases as the court shall determine, the prosecuting attorney shall appear at the hearing to advise the court. In such cases he shall on order of the court have power to subpoena witnesses to testify in regard to charges made in the complaint or upon the status of either party, or on their performance or neglect of any duty. For such service the witness shall receive fees to be paid from county funds

Restrictions: Neither the prosecuting attorney nor his deputies nor the law partner of either shall accept employment in any divorce case in his county or receive any fee or compensation from either party.

Proof Required (985) Even though the defendant in a divorce action fails to answer, or if he admits the allegations made in the complaint, the court shall require proof before granting a divorce or decree of nullity.

Cross Complaint: Defendant May File (986) The defendant, in addition to his defense, may file a cross complaint for divorce. The

court may grant a divorce or decree of nullity to either or to both.

Both Parties Applicants (987). When complaints are filed by both parties in the same action, and when the defendant by his cross complaint applies for divorce, both parties shall be considered as applicants for the divorce.

Interlocutory Orders (988) (988 Supp.). *Temporary Provisions*: Pending action for divorce, the court may make and enforce orders for the disposition of persons, property, and children of the parties involved. The court shall also make such necessary provisions in regard to expenses as will insure the wife sufficient funds for the preparation of her case and for a fair and impartial trial.

Family Care: If the court decides that a divorce shall be granted to one or both parties, it shall enter an interlocutory order which shall include provisions in regard to alimony cost, care, custody, support, and education of children, the order to be modified and changed from time to time as circumstances require.

Property: It shall also include provision for the custody, management, and division of property—the order to be final and conclusive, subject only to the right of appeal. The interlocutory order shall not be construed to dissolve the marriage until the final judgment is entered.

Restraining Orders: The court shall have the power to grant any restraining orders as may be necessary to protect the parties and secure justice for them. Appeals from the interlocutory order may be made within ninety days after its entry.

Final Decree (988-1) At any time after six months have elapsed from the entry of the interlocutory order, or upon the conclusion of an appeal if taken, the court on the motion of either party, shall confirm the interlocutory order and enter a final judgment granting an absolute divorce. From this judgment no appeal may be taken.

Alimony Revised (988-2 Supp.). The court may modify all orders and judgments relative to alimony and support from time to time as circumstances may require.

Permanent Provisions (989). *Property Division*: In dividing the property between the two parties, the court shall make any division as shall be just and equitable. In the division he shall take into consideration the merits of the two parties, the condition in which they shall be left as a result of the divorce, the party through whom the property was acquired, and the burdens imposed upon it for the benefit of the children.

Children: The court shall also make provision for the guardianship, custody, support, and education of the minor children.

Marriage Dissolved (990). When the final divorce decree is given, the court shall order a full and complete dissolution of the marriage.

Wife's Name Changed (994). If a divorce is granted, the court for just and reasonable cause may change the name of the wife. She shall thereafter be known by the name which the court shall order.

The Changing of Order Regarding Children: Place of Trial (995-2). Action for the modification of a court order affecting the care, custody, control, or support of a minor child of the marriage shall be brought in the county in which the child resides, or where the parent or other person who has him in custody resides.

Petition for Modification (995-3). Modification of a divorce order or judgment shall be petitioned for by a properly verified petition having the same title as in the original divorce action together with a certified copy of the decree or order sought to be changed. In regard to such petition for modification, the superior court of the county in which the petition is filed shall have full and complete jurisdiction, and the court shall order notice to be given of the hearing on the petition.

Original Records Filed (995-4). The court shall have the power to require either party to the modification action to file any part of the records of the original divorce proceedings as the court shall deem necessary.

Modification Order (995-5). After a full hearing on the petition for modification of any order, the court shall make and enter an order, judgment, or decree as the evidence and the law requires. A certified copy of the order shall be filed within thirty days in the county in which the original divorce action was held.

Trial without Jury (997) Divorce proceedings shall be according to those in civil actions, except that the trial is not by jury.

Trial and Appeal (996). *Causes Stated:* In all cases in which the court grants the divorce, it shall be for the cause or causes as stated in the complaint that have been proved, and the court shall state such causes in the decree rendered.

Appeal: If either party appeals from the decision of the court in regard to the disposition of the property or of the children, the court shall certify to the evidence adduced on trial, and shall provide the

Supreme Court with all the facts which it had in the case. The Supreme Court may reverse, modify, or affirm the judgment of the superior court according to the merits of the case.

Nonsupport Halts Order (982-1). If in the opinion of the court the criminal laws relative to nonsupport have been violated by one of the parties to the action, the judge may refuse to grant an interlocutory order until the suspected party has been tried and found innocent or guilty.

Advertising for Divorce Business (2463). Advertising one's services in procuring divorces, dissolutions, or nullification of any marriage, or securing alimony; or advertising that one is a specialist in "the laws of husband and wife" or in domestic relations shall be considered a misdemeanor.

Court Rulings

If evidence sustains findings that a resident of this state went to Wyoming solely for the purpose of obtaining a divorce and not with the bona fide purpose of establishing a permanent residence, a divorce obtained in Wyoming is void:

In re Medbury. 192 Wash. 462 (1937).

The custody of all the children may be awarded to the father, if that appears to be the wisest course, even though the mother was not charged with immorality:

Burke v. Burke. 153 Wash. 97.

See also:

Mason v. Mason. 163 Wash. 539.

The fact of remarriage of a divorced wife does not entitle the husband to relief from contributing to the support of the child living with the stepfather:

Thornton v. Thornton, 136 Wash. 129

The right to visit a child is not absolute and must yield to the welfare of the child:

Bedolfe v. Bedolfe. 71 Wash. 60 (1912).

The care and custody of children should be awarded to the mother upon the granting of a divorce, if it is not made to appear that the mother is not a proper person to have the care and control of her children.

Smith v. Smith. 15 Wash. 237 (1896)

If it is shown that new circumstances and conditions have arisen which require a modified decree to meet the new conditions, a court

may modify its decree awarding custody of a minor child, made in a divorce proceeding, although the time for appeal has expired.

Koontz v. Koontz 25 Wash 336 (1901).

If a mother applies for modification of a decree of divorce awarding the custody of a child to a stranger, to which she had consented owing to her then poor health, proof that she is now able to provide for the child authorizes the court to award her his custody without any showing that the welfare of the child demands the change:

Curtis v Curtis 46 Wash 664 (1907).

If there is doubt as to the character of the wife, the court may award the custody of the children to her for a limited time only, subject to future revision.

Brogna v. Brogna. 67 Wash. 687 (1912)

The right of a divorced party to the custody of children must depend upon present moral conduct and the welfare of the children—not upon past delinquencies:

Pierce v. Pierce. 52 Wash. 679 (1909)

A decree of divorce awarding the custody of a child to both parties, to be kept four days a week by the maternal grandmother and three days a week by the paternal grandmother, is detrimental to the interest of the child; and the mother being found a proper and fit person to have its custody but having no home, the order will be modified to give custody to the mother, with the child to be kept in the home of the maternal grandmother until further order of the court.

Mason v. Mason. 163 Wash. 539 (1931).

In granting a divorce to a wife whose husband has deserted her and left her dependent, the court may award her all the community property if such award appears to the court just and proper to protect her from being without adequate support:

Miller v. Miller. 38 Wash. 605 (1905).

Upon granting a divorce to a wife who is awarded the custody of a minor child, the court may, although there is no property, give judgment for monthly alimony for the support of both wife and child:

Claiborne v. Claiborne 47 Wash 200 (1907).

Under the statute which provides that the expenses of the family and education of the children are chargeable upon the property of both husband and wife, a divorced wife who thereafter maintained

a child awarded to her without provisions for its support, is entitled only to contribution from the husband, and cannot recover from him the whole of the sums expended by her:

Hector v Hector 51 Wash 434 (1909).

A decree or order for alimony in a divorce proceeding is not a debt within the meaning of the constitutional inhibition forbidding imprisonment for debt:

In re Cave 26 Wash 213 (1901)

Monthly installments awarded in a divorce for the support of a minor, accruing after the death of the judgment debtor, may be made the basis for a claim against his estate:

Gainsburg v Garbarsky 157 Wash 537 (1930)

Parent and Child

Custody of Children (6907) In the absence of misconduct the rights and responsibilities of parents toward their children shall be equal, and the mother shall be as fully entitled to the custody, control, and earnings of the children as the father. In case of the death of either parent, the other shall have full control of the children and their estates.

Discipline (2416). Reasonable and moderate force in restraining or correcting a child is lawful when used by a parent or his authorized agent, a guardian, master, or teacher, and such force shall not be considered unlawful.

Liability for Children (6906) Expenses for the family and for the children's education are chargeable to the property of both parents or to either, and they may be sued together or separately for such expenses.

Drunkard Father (2669). Any person who as a result of the use of intoxicating liquor abuses or fails to support or care for his wife or any minor child who is lawfully in his custody shall be adjudged a common drunkard in addition to any other punishment imposed.

Responsibility for School Attendance. See "Compulsory School Attendance" under EDUCATION (Topic 12).

Action for Seduction. See "Seduction" under CRIMES AGAINST CHILDHOOD (Topic 9).

Substitution of Child (2375). Substituting another child for a child under one's care with the intent to deceive the parent or the guardian is punishable by imprisonment in the penitentiary for not more than ten years.

Court Rulings

The primary right of a parent to the custody of his child must yield to a consideration of the welfare of the child:

In re Allen. 139 Wash 130 (1926).

See also:

Flagg v. Flagg 192 Wash. 679 (1937).

In re Brenner 154 Wash. 400 (1929).

In re Stuart 138 Wash 59 (1926)

In re Dorothy Kneeland 160 Wash 64 (1930).

Upon habeas corpus proceedings by a mother to obtain from the father the custody of a son eight years of age, the child's welfare is a primary consideration, and the discretion of the lower court in awarding the custody to the father will not be disturbed if the evidence indicated an unusually close association between father and child and better school facilities, and also indicated that conditions could not be bettered by the change:

State ex rel. Deshler v Deshler 114 Wash. 507 (1921).

See also:

Delle v. Delle. 112 Wash 512 (1920).

The parents' duty to support a crippled child does not cease at the age of majority but continues as long as the necessity exists:

Schultz v. Western Farm Tractor Co. 111 Wash. 351 (1920).

14. 4-H CLUB FAIRS

Purpose (2753-5 Supp.). Opportunities for competitive displays of the products of 4-H Boys' and Girls' Clubs and of Smith-Hughes Vocational Training students are essential to the educational development of children and should be encouraged in the interest of the public good and in the development of future citizens.

District Fairs (2753-6a Supp.). For the reason stated above, the state has set aside funds to finance competitive display of club products at the various annual fairs that are held throughout the state. To carry out this plan, the state of Washington is divided by the Director of Agriculture into the following five districts: North-eastern, Southeastern, Central, Northwestern, and Southwestern. In each of the districts, one regular fair which meets specified requirements is designated by the State Director as a "District Fair." At this fair the products of the 4-H Club members and of the Smith-Hughes students in that district shall be exhibited. State funds are

allocated for premiums and awards. These funds shall be used solely for this purpose.

Standards Required (2753-6b Supp.). A district fair must be equipped with facilities adequate to make it a district fair in fact as well as in name.

State Supervision (2753-6c Supp.). The State Director of Agriculture shall supervise the rules and awards wherever state funds as provided in this act are used. Each fair shall give an account of the state funds received and the manner of their disbursement.

Allotment for Prizes (2753-6 Supp.). Any county or district agricultural fair giving prizes for the products of 4-H Boys' and Girls' Clubs or of Smith-Hughes Vocational training students may, through its board of trustees, apply to the State Director of Agriculture for an amount of money to be paid for prizes—such money to be equal to the amount the local fair spends for that purpose. The State Director shall allot a sum not to exceed five hundred dollars (\$500) in any one year to any one fair.

Aid to Other Fairs (2753-6e Supp.). This aid also applies to other county and community fairs not designated as district fairs, provided that these fairs must have been held for two years prior to their application for funds.

State Annual 4-H Club Fair (2753-6d Supp.). Yakima is designated as the site for the annual 4-H Club Fair. District fairs shall be held prior to the State Annual 4-H Club Fair, except that the Central District Fair may be held in conjunction with the State 4-H Club Fair. Each district fair shall make provision for its 4-H Club members and its Smith-Hughes students to qualify for competition at the Annual State Fair.

15. GUARDIANSHIP OF MINORS UNDER PROBATE LAW

Appointment of Guardian: Authority to Appoint (1565). The superior court has the authority to appoint guardians for the persons and estates of any minors who are residents of the county and for the estates of nonresidents of the state who have property in the county, provided that such property needs care and attention.

Guardian's Qualifications (1566). Guardians shall have the same qualifications as administrators and executors except that a nonresident otherwise qualified may be guardian of the estate in this state of a non-resident ward.

Note: See "Persons Preferable" for administrators (1431) under PROPERTY (Topic 25).

Application for Appointment (1567). A verified written application for the appointment of a guardian must be made by the applicant or his attorney. The applications shall set forth the reasons supporting the appointment, any facts essential to give the court jurisdiction over the case, together with all facts about the character and value of the property and the age and residence of the minor.

Appointment of a guardian is made after a hearing of which a ten-day notice of the time and place has been personally served on the minor and on the person having him in custody. The court may appoint a parent as a guardian without the regular hearing, provided the parent files a petition for his appointment. If the minor child for whom the guardianship is granted is under fourteen, his consent is not necessary, but for any child over fourteen his written consent is required before the parent may be made his guardian; nor is a hearing required if the petition for the local guardianship is made by a foreign guardian.

Notice of Hearing (1569) (1570). If the petition is for the appointment of a guardian for the property of a nonresident minor, unless the petitioner be a nonresident guardian, a notice of the hearing shall be published weekly for three consecutive weeks prior to the hearing. This publication shall be in some newspaper of the county where the petition is filed. Proof of the publication must be made. When the notice cannot be thus published, the court shall give notice and proceed with the appointment in the way it thinks right and proper.

Minor's Attorney (1571). A copy of the notice of a hearing and a copy of the petition shall be served on the prosecuting attorney, who shall appear for the minor unless the minor has his own attorney.

Testamentary Guardianship (1580). The appointment of a guardian for his minor child may be provided for in the will of a surviving parent if the other parent is deceased, the guardianship to continue during the minority of the child or for any designated less time. Similar powers, requirements, and duties apply to this guardian as to any other.

Court Supervision and Legal Age of Minor (1572). *Court Supervision:* Guardians appointed by the superior court shall act under the supervision and control of the court making the appointment.

Legal Age of Minors: For the purposes of guardianship under probate law, persons shall reach full and legal age at twenty-one years.

Females under twenty-one who have legally married with their parents' or guardian's consent, however, shall be considered of legal age.

Note: See also "Age of Majority" under PROPERTY (Topic 25)

Guardian's Oath and Bond: Purpose (1573). Before a person may be appointed guardian, he shall be sworn and shall give a bond with the proper sureties for the faithful performance of his duties relative to the person and the property of the minor as required by the court. The bond is for the use of the minor and may be put in suit from time to time as the occasion warrants and until the whole penalty shall be recovered. The court may require additional bond if it believes it is necessary.

Legal Provisions (1574). The same legal provisions governing bonds of administrators and executors shall apply to the bond given by guardians.

Duties of Guardians (1575) The following are the duties of a guardian

Inventory of Property To make on oath a full inventory of the real and the personal property of his ward with the value of the same. This report shall be filed within three months after his appointment. Failure to do this shall cause his removal by the court.

Ward's Estate To manage the estate of the ward for the best interest of the ward.

Debts To pay all of the ward's just debts out of the estate and to collect all debts due the ward. In case of doubtful debts, to represent the ward in determining the legality of the same and in securing their collection.

Ward's Education If the ward has no parents or if the parents fail to provide for his education, to make such provision as far as the estate will justify it.

Report of Receipts and Expenditures To render on oath to the court at least once every two years a full account of the receipts and expenditures with vouchers therefor. Failure to make this report cancels all allowances for services and makes him liable to the ward for ten per cent of the ward's estate (real and personal) that is under his control, the damage to be paid from his bond.

Final Accounting At the expiration of the trust, to render to the court a full account of the ward's estate, and to turn over the remaining part to the proper person.

Guardian, Legal Representative of Minor Ward (1576). The guardian is the legal representative of his minor ward in all business matters. He may sue and be sued for his ward, who shall be bound by compromises or settlements made by him. All such actions by the guardian shall be ordered or approved by the court before they are made.

Guardian ad Litem (1581). Nothing in these provisions shall prevent the court from appointing a guardian ad litem to defend the interests of any minor in any suit or to commence and prosecute any suit on the minor's behalf.

Claims against Minor (1577). No action may be made against a ward on account of a claim against his estate unless the claim be first presented to and rejected by the guardian. Failure to allow a claim before the end of thirty days signifies rejection.

Property: Petition for Disposal (1582). On petition to the court and with its approval and on its order, the guardian may sell, lease, or mortgage his ward's property for the latter's care, education, or other interests.

Information in Petition (1583) The petition to the court to dispose of any of the ward's property shall show the following:

- a. Value and character of the ward's personal estate together with its disposition
- b. Amount and condition of the personal estate dependent upon settlement of the estate or the execution of any trust.
- c. Annual income of the ward's real estate including the amount and use of rentals.
- d. Proposed manner of reinvesting the proceeds of the proposed transaction.
- e. Amount of indebtedness if the sale is to provide payment of debts
- f. Age of ward and with whom living and all other facts required by the court.

Irregularities in Sale (1585). No irregularities shall invalidate the sale by the guardian of a ward's property. The confirmation of the court shall be conclusive as to the regularity and legality of the sales and shall vest absolute title in the purchaser.

Liens (1578). No judgments against the guardian or the estate of the minor or against the minor himself, except for the foreclosure of a mortgage or other lien, shall be a lien against the estate of the minor. It shall be presented and paid like other claims.

Guardian's Consent to Partition (884). The guardian of an infant whose interests are involved in the partition of property may consent to a partition of the property without suit and agree upon the share given to the infant and may upon the order of the court execute a release for any such property.

Personal Interests Forbidden (873). In any action for the partition of property neither the guardian nor any other referees shall be personally interested in any purchase of it. Nor shall the guardian of an

infant whose rights are involved be interested in the purchase of any real property except for the benefit of the infant. All sales contrary to this provision are void.

Sales Proceeds Protected by Bond (882). If lands are sold, the infant's share of the proceeds shall be paid to the guardian or to one especially appointed by the court, provided this guardian gives the necessary security as requested by the law, or directed by order of the court. The guardian may receive the proceeds of the sales for his ward, provided that he execute a bond with sufficient sureties approved by the court for the trust imposed in him, and for rendering an account of the receipts to the infant or to his legal representative.

Nonresident Ward's Property Removed (1587). If both the guardian and the ward are nonresidents and the ward owns property in this state that may be moved to another state, the removal may be made on the application of the guardian to the superior court of the county in which the property is located. The guardian, however, must produce a transcript from the records of the court which appointed him guardian showing that he is the legally appointed guardian in the state or territory in which he and the ward reside. A thirty-day notice of the intent to move the property must be given the resident guardian, administrator, or trustee, if there is one. A ward's property may be moved only by permission of the court.

Eminent Domain Proceedings (9228). If any infant has interests in any property that is to be taken under eminent domain, the court shall appoint a guardian ad litem for the child to defend his interests in the proceedings being held. The court shall also make any order which it deems proper to protect the interests of the infant.

Notice to Guardian (892). In the condemnation proceedings, a notice of the petition to secure the land and of the hearing is served on the guardian at least ten days prior to the hearing. If there is no guardian, the notice is served on the person having charge of the infant, or on a competent person over twenty-one years of age. If a foreign corporation's interests are involved, the notice shall be left at its principal place of business in this state with someone over sixteen years of age.

Ward in Court Actions: Represented by Guardian (1771). Action by an infant plaintiff may be started only through his guardian or by the person (appointed by the justice) who agrees in writing to act as the infant's next friend. This person shall be responsible for costs.

Guardian ad Litem (1772). Action against an infant defendant must be deferred until a guardian ad litem has been appointed. The appointment shall be made by the justice on the request of the infant, or if the latter fails to appear at the hearing or fails to nominate some person to be appointed as guardian, then the court shall appoint a guardian on the request of the plaintiff. This guardian shall not be responsible for costs.

Declaratory Judgments: *Purpose* (784-4 Supp.) Any guardian, relative, or interested person may secure a declaration of rights for the purpose of ascertaining any class of creditors, devisees, legatees, heirs, etc., or directing the administrators or trustees to do or to abstain from doing any act or determining any question rising in the administration of the property

Refusal (784-6 Supp.) The court may refuse to render a declaratory judgment if the judgment would not terminate the uncertainty or controversy.

Appeal (784-7 Supp.) Appeal may be had from the court's decision.

Further Relief (784-8 Supp.) Further relief based on a declaratory judgment may be granted on petition to the court having jurisdiction to grant relief. The court may require the adverse party to show cause why this further relief should not be granted.

Trial (784-9 Supp.) The trial is conducted as in other civil actions.

Liberal Construction (784-12 Supp.). This act is remedial in that it is for the purpose of settling and affording relief from uncertainty and insecurity with respect to legal rights and states. For this reason it shall be liberally construed and administered.

Guardian's Compensation (1586). Reasonable compensation and expenses for the guardian and for the services of his attorney shall be allowed by the court on the settling of the accounts by the guardian

Final Report and Hearing: *Hearing on Incomplete Report* (1590-1 Supp.). If at the hearing of the final report and the accounting of any executor, administrator, or guardian it appears to the court that the report or account is not complete and should not be approved, the court may continue the hearing. The surety or sureties upon the bond of the guardian shall be notified to appear upon a date set for the next hearing to show cause why the report or account should not be disapproved, and judgment entered for deficiencies against the executor, administrator, or guardian and the sureties. The notice or citation shall be served per-

sonally, as in civil cases, not less than twenty days before the hearing. If at this hearing the final report or account is not approved, and if the court finds the executor, administrator, or guardian to be in debt to his trust, the court shall enter judgment against him and his sureties and shall enforce the same as in civil action.

Court Costs (1590-2 Supp.). In case of conviction, the costs for necessary attorney fees on the part of the beneficiary or other interested person who brings the complaint against the administrator, executor, or guardian shall be included in the other costs of the court against the guardian and his sureties.

Court's Administration Definite (1589) (1590) (1591). The superior court has full power to administer the estates of minors regardless of whether the laws are clear or not. Appeals, however, may be made from its decisions to the Supreme Court in the same way as in civil cases.

Accounting of Ward's Estate: Request (1586-1). At any time after the issuance of letters of guardianship for a minor's estate any relative, any person interested in said estate or in the minor, or an authorized representative of any agency, bureau, or department of the U. S. government from or through which any insurance premium, compensation, or benefit is being paid or is payable may serve on the guardian or his attorney and file with the court a written request asking for an accounting in writing of all transactions of the ward's business. This calls for a hearing before the court for which a ten-day notice shall be served on the guardian, or his authorized representative, either in person or through the mail.

Accounting Compulsory (1586-2). The person making the petition for the special written accounting may, in case the guardian fails to file the account or report requested, petition the court administering the minor's estate to compel the guardian to do so, or to show cause why he did not. The court shall conduct a hearing thereon and shall enter such order as the law and the facts require.

Guardianship Terminated (1579). Termination of guardianship may occur before the ward has reached the age of majority through removal for good reasons by the court making the appointment or through the death of the guardian. The court shall appoint a successor in the same way as the first appointment was made. In the case of termination by removal, the court shall require a full de-

livery of all the minor's property and papers. Failure to make this delivery shall be cause for imprisonment until it shall be made.

Alien Ineligible as Guardian (10583). No alien is qualified to act as a guardian or trustee for a child, or as an administrator or executor under a will if any portion of the estate is land.

16. HEALTH

Administration

State Board of Health: Personnel (10814). The State Board of Health is composed of the State Director of Health, who must be an experienced physician, and four other persons experienced in matters of health and sanitation, all of whom shall be appointed by the Governor. The Director shall act as chairman and executive officer of the Board. He shall with the advice and assistance of the Board have charge and supervision of the State Department of Health.

Powers (6001). Contagious Diseases: The State Board of Health has full supervision over all matters relating to the health of the people of the state, including infectious and contagious diseases. It is its duty to make careful studies in regard to the cause of disease, especially infectious, contagious, epidemic, and endemic diseases, and to take prompt measures to suppress them.

Building Inspection: It must respond promptly to all state, county, city, or local calls made by the proper authorities to inspect public buildings and other places as to their heating, sewage, plumbing, or ventilation.

Assistance from Local Officers: All local boards of health, officers of state institutions, and all state, county, city, and other local officers and employees must enforce the quarantine and sanitary rules and any health regulations made by the Board. Failure to do so shall be punished by a fine of not less than fifty dollars (\$50) for the first conviction, and not less than one hundred dollars (\$100) for the second conviction.

State Director's Powers and Duties (10817). The State Director of Health has the power and it is his duty:

- a. To exercise all the powers and duties formerly vested in the State Commissioner of Health.
- b. With the assistance of the State Registrar of Vital Statistics, to exercise all the powers and duties in respect to the registration of vital and mortuary statistics formerly vested in and required of the State Com-

missioner of Health, the Superintendent of Registration, and the State Registrar.

- c. To visit and inspect each state institution at least twice a year, ascertain the sanitary and health conditions in each, and require the supervising officers in each to take any action that will conserve the health of all inmates. The Director shall report his findings to the Governor.

Note: The duties taken over from the former State Commissioner are modified by the later legislation, and consist mainly of enforcing the regulations made by the State Board of Health

State Institutional Board of Health. See STATE INSTITUTIONS (Topic 30).

Maternity and Infancy Act (10814-1) (10814-2). The Division of Child Hygiene is hereby created in the State Department of Health. Through this division the Director administers the Maternity and Infancy Act.

Annual Report (6007) The State Board of Health shall make a written annual report to the Governor on or before the first day of January. It shall include the proceedings of the Board, vital statistics, such knowledge of diseases and instructions thereto as are in the opinion of the Board necessary, and suggestions for legislative action.

County Health Officials (6091). *Board of Health:* The board of county commissioners constitutes the county board of health with jurisdiction over health matters in the whole county except in cities of the first class.

County Health Officer: On or before July 1 following each general election, the county board appoints a legally qualified physician to act as county health officer for a term of two years. This officer is ex-officio a member of the county board and is its executive officer. He may also act as the county physician. The county board appoints as many sanitary officers as it deems necessary. If the county board neglects to appoint a county health officer, or if a vacancy exceeding thirty days exists, the State Board of Health makes the appointment. The county board is subject to the supervision of the State Board and makes all reports that the State Board requires.

County Health Officer's Duties (6094). The county health officer has the following duties and powers:

- a. *General Health:* He has supervision over all matters pertaining to the preservation of health within the county, subject to the supervision of the State Board.

- b. *Nuisances*: He may order the removal of any nuisance detrimental to public health; and he may force its removal if the property owner on whose property the nuisance is located fails to do so. The removal is to be at the expense of the owner.
- c. *Contagious Diseases*: He shall establish any measures necessary to preserve the spread of and to suppress all contagious and infectious diseases. He may quarantine, isolate, vaccinate, or disinfect any person who is sick with such diseases or place such in an isolation hospital or pest-house. He may disinfect any room or building and the contents thereof in which a contagious or infectious disease is found.

City Health Officials: First-Class Cities (6085). Board of Health: The city council in cities of the first class whose charter does not provide otherwise shall annually organize as a city board of health and shall appoint a health officer (a reputable physician if possible), who shall become the executive officer of the local board.

Health Officer: The city health officer shall promptly investigate the appearance of all diseases that are considered by the state to be dangerous and contagious and to report his findings to the city board of health and to the State Board. He shall at all times take prompt measures to control, suppress, and prevent the spread of all contagious diseases, subject to the approval of the city board of health, and shall report all actions to the State Board.

Other City Health Officers (6092). In all cities other than the first class, the mayor annually appoints a health officer who shall be a qualified physician. In any city of the second class, however, which has a board of health, this board makes the appointment.

Reports (6090). Health officers and members of health boards in all cities and towns shall immediately report to the State Board any information they may receive in regard to the appearance of any dangerous contagious disease within three days after receiving information about it. Failure to do this shall be punishable by a fine of not less than ten dollars (\$10) nor more than one hundred dollars (\$100) for each day of neglect or refusal to make the report.

Court Ruling

The State Board of Health has power to provide quarantine regulations fixing isolation periods for unvaccinated pupils and teachers. These regulations are binding on the courts unless they are arbitrary, capricious, or unreasonable. School officials must make orders enforcing the regulations made by the health authorities:

State ex rel. Lehman v. Partlow 119 Wash. 316 (1922).

General Provisions

Contagious Diseases in Schools. See "Contagious Diseases" (4689) under EDUCATION (Topic 12).

County Hospital (6090-1) The board of county commissioners shall have power to establish and maintain a county hospital for indigent, sick, and injured, and for maternity cases. Cities may unite with the county in the establishment, maintenance, and use of these hospitals.

Drugless Healers (10117). All persons licensed [as drugless healers] shall be subject to the state and municipal regulations in regard to the control of contagious diseases, reporting and certifying births and deaths, and all matters pertaining to public health.

Midwifery: Definition (10181) Practicing midwifery consists of rendering medical aid to a woman in childbirth. A midwife shall call a regular licensed physician, however, when any abnormal symptoms appear.

Violating Legal Provisions (10182). Any person convicted of practicing midwifery without complying with the legal provisions shall be guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars (\$50) nor more than two hundred fifty dollars (\$250) or by imprisonment in the county jail for not less than ten days nor more than six months, or by both the fine and the imprisonment.

Penalty for Malpractice (10180). The State Director of Licenses may refuse to grant or may revoke the license of any midwife for practice of criminal abortion and for failure to call a physician in a case of miscarriage or of other abnormal conditions appearing in childbirth.

Public Health Work: Supervision by Director (6001-1 Supp.) The State Director of Health has the power to apportion and expend from the appropriations for county public health work any sums that he deems necessary to carry on public health work throughout the state.

Funds Raised (3997-2a Supp.) Each year the county commissioners shall budget for public health work a sum equal to four-tenths (0.4) of a mill, or thirty cents per capita based on the population of the county, exclusive of cities of the first class, whichever method raises the lesser amount. This sum may be derived from the three-mill levy assessed for public assistance or from any other source of county revenue.

Sterilization. See "Sterilization" under STATE INSTITUTIONS (Topic 30).

Syphilis Tests: For Pregnant Woman (6002-1 Supp.). Blood tests for syphilis shall be provided every pregnant woman by the physician attending her during gestation. These tests shall be at the time of the first examination, when the physician shall submit a sample of her blood to an approved laboratory for a standard serological test for syphilis. If five months of gestation have elapsed before the pregnant woman presents herself for examination, the physician shall in addition to the test, advise and urge her to secure an earlier medical examination and blood test in any subsequent pregnancies.

Standard Test (6002-2 Supp.). A standard serological test consists of a laboratory test for syphilis which shall be approved by the State Director of Health, and which shall be performed either by a laboratory approved by him for the performance of the particular serological test used or by the State Department of Health on request of the physician in charge.

Visiting Nurse (6114). The board of county commissioners has the power to employ visiting nurses for the care of persons suffering from tuberculosis.

Vital Statistics

State Registrar: Appointment (10815). The State Registrar of Vital Statistics is appointed by the State Director of Health. He also acts as secretary of the State Board of Health. The Director also has the power to appoint any deputies, scientific experts, sanitary engineers, quarantine officers, local registrars, and clerical and other assistants as the work requires.

Duties (6034). The State Registrar shall perform the following duties:

- a. *Blanks and Forms* He shall prepare and supply local registrars with all blanks and forms that are used in registering, recording, certifying, and preserving vital statistics together with any instructions that will insure uniformity in registration. No other blanks shall be used by the local registrars
- b. *Local Reports* He shall examine carefully the monthly reports received from the local registrars, and if the reports are incomplete or unsatisfactory, he shall ask for any additional information that may be necessary to make the records complete and satisfactory
- c. *Permanent Records* He shall bind and permanently preserve in a systematic manner all reports and records, and shall keep a comprehensive and continuous card index file of all births and deaths that have been registered. He shall preserve and index all records of information that have been sent to him by a cemetery company or association, church, historical

association, or any other company, society, or association, or any births or deaths that may be of value in determining the genealogy of any resident of the state.

- d. *Information Supplied to Applicants.* These records shall be open to public inspection subject to the discretion of the Registrar. Certified transcripts of these records shall be supplied to any person on application. A fee of fifty cents (50c) per hour or fraction of any hour shall be paid by the applicant for the labor of preparing the transcripts.
- e. *Contagious Diseases.* He shall acquaint local registrars with the diseases that the State Board of Health considers infectious and dangerous, and the proper precautions to be used in preventing the spread of such

Registration Districts (6019). The state is divided into registration districts as follows.

- a. *City Primary Registration District.* Each city of the first, second, and third class shall constitute a primary district.
- b. *County Primary Registration Districts.* Each county, exclusive of areas included in cities of the first, second, and third class, shall be divided into as many primary registration districts as necessary judged on the basis of convenience to the people.

All primary registration districts shall be given a number by the State Registrar.

Local Registrar: How Selected (6020). City: The health officer of each city of the first, second, or third class is the local registrar for each city primary registration district.

County: The State Registrar appoints registrars for each of the county primary registration districts.

Each local registrar appoints in writing a deputy registrar to serve in his absence or disability, and certifies the appointment to the State Registrar.

Duties (6035). The local registrar shall perform the following duties:

- a. *Blanks and Forms.* He shall supply blank certificate forms for births and deaths as are required.
- b. *Certificates and Permits.* He shall examine all certificates of births and deaths to insure their accuracy and completeness. In case of deaths, he shall issue no burial or removal permits until the certificates are accurate and complete. In case of dangerous, infectious, or contagious diseases, only such removal and disposition permits shall be issued as are prescribed by the State Board of Health and the local boards of health.
- c. *Records.* He shall keep a separate annual record for births and deaths, the filing to be in the order of their dates. He shall also make a certified and complete identical copy of each certificate for his permanent files.
- d. *Report to State Registrar.* On or before the fifth of each month, he shall transmit the original certificate to the State Registrar. If no births

or deaths occur during the month, he shall notify the State Registrar on or before the fifth of the month. In cities of the first class, original certificates may be kept by the local registrar, and the certified copies be sent to the State Registrar.

Fees (6036). Each local registrar, other than regularly employed health officers, shall receive twenty-five cents (25c) for each birth or death certificate that has been properly and completely made out and registered with him and sent by him to the State Registrar on or before the tenth day of the following month. The fee shall cover the cost of making and filing burial permits and certificates. If no births or deaths have occurred during the preceding month, the local registrar receives twenty-five cents (25c) for properly reporting this fact on regular forms in accordance with the State Registrar's directions. All fees shall be paid quarterly from county funds in the usual manner on a certified affidavit from the State Registrar giving the names of the local registrars entitled to fees, the number of birth and death certificates sent in by each, and the amount of fees each should receive.

Auditor's Records (6017). The county auditor shall keep the following records:

- a *Register of Physicians and Accoucheurs*, which shall include a record of all registered physicians, accoucheurs (obstetricians), and midwives
- b *Birth Register*, which shall include all births
- c *Death Register*, which shall include all deaths.
- d *Marriage Statistical Record*, which shall include all statistical information that shall be required by the State Board on marriages
- e *Permanent Records of Births and Permanent Records of Deaths*, in which the records of the births and deaths shall be transcribed in alphabetical order quarterly.

The above records shall always be open for inspection. The county auditor shall make quarterly reports of all statistics to the State Registrar.

Records Supplied to Applicants (6037 Supp.) The State Registrar and local registrars of cities of the first, second, and third classes shall furnish upon request a certified copy of the record of any birth or death that has been registered with them. A fee of fifty cents (50c) shall be paid by the applicant for this service; but no fee shall be charged if the age of a child is to be used for attendance in the public schools or in obtaining employment permits, nor shall any fees be required of war veterans or dependent parents if the information is to be used in connection with a claim for compensation or pension pending before the veterans' administration.

If no certified birth or death certificate is registered and a search of the files is necessary to secure the desired information, the fee shall be fifty cents (50c) for each hour or fractional part of the hour that is used in the search. All fees collected by the State Registrar shall be deposited by him with the State Treasurer on the first day of January, April, July, and October. City registrars may charge a like fee, which shall be deposited in the city treasury.

Enforcement of Act (6039) The local registrars are responsible for the strict enforcement of this law under the supervision of the State Registrar, to whom they shall make immediate reports of violations which have been witnessed by them or which have been reported to them.

The State Registrar shall see that the provisions of the law are uniformly enforced throughout the state, and he shall have the authority to investigate personally or through a representative all violations or irregularities. All local registrars when requested to do so shall aid in the investigations. The State Registrar may report any violations to the prosecuting attorney of the county in which they occur, who shall immediately initiate proceedings against the offender. The Attorney General shall assist the State Registrar in the enforcement of the law when requested to do so.

Physicians, Midwives, and Undertakers (6032). Every physician, midwife and undertaker shall register immediately his name, address, and occupation with the local registrar of the district in which he resides, or in which he later may establish residence. The Registrar shall supply him with a copy of this law and with the rules and regulations as prepared by the State Registrar in regard to the enforcement of the law. The local registrar shall report to the State Registrar before the first of November of each year the names of all persons registered in his district during the year. No registration fees of any kind may be charged these persons.

Birth Certificates: Period for Filing (6029). Physicians and midwives must file a certificate of birth for each child with the local registrar within ten days after the date of birth. If no physician or midwife is present, then the parents, householder, or owner of premises, or manager or superintendent of the institution in which the child is born notifies the local registrar of the birth. The Registrar shall make a birth certificate.

Contents of Certificate (6030). The certificate of birth shall contain the following information:

- a. *Child*—Name, sex, legitimate or illegitimate, place of birth, including the state, county, township, town, village or city, ward, street, and house number. If the birth took place in a hospital or in an institution, its name is given instead of the street and house number. Twin or other plural births call for a separate certificate for each child, each being given a number in the order of its birth.
- b. *Father*—Full name, race, residence, birthplace, age, occupation.
- c. *Mother*—Maiden name, residence, race, birthplace, age, occupation, number of the child of this mother, and number of children living.

Name Supplied (6031). If the name of a child is not on the certificate of birth, the local registrar shall furnish to the parents a special blank for the supplemental report of the given name of the child when it is named.

Monthly Reports: By Physician (6012). Physicians shall report to the auditor on or before the fifteenth of every month all births and deaths occurring during the previous month, together with a certificate of the cause of any death and any other facts that the State Board may require. Penalty for failure to do so shall be ten dollars (\$10).

In Absence of Physician (6013). If no physician, obstetrician, or midwife is present, the births and deaths must be reported within thirty days to the county auditor by the parent or if there is none, by the next of kin, or if there is none, by the resident housekeeper. Penalty for failure to report is ten dollars (\$10).

Adopted Child: Certificate of Adoption. See ADOPTION (Topic 2).

Birth Certificate. See ADOPTION (Topic 2).

Birth out of Lawful Wedlock. See CHILDREN OF UNMARRIED PARENTS (Topic 4).

Stillborn Children (6022). Stillborn children shall be registered as births and also as deaths, and a certificate of both the birth and the death shall be filed with the local registrar in the usual manner. The word "stillborn" shall be substituted in the birth certificate for the name of the child. The death certificate shall show the cause of death as "stillborn" and the cause of the stillbirth if known. If the child is born prematurely, the period of uterogestation months shall be given. No certificate is required of a child of less than seven months of uterogestation. A burial or removal permit must also be secured.

Death Certificate (6023 Supp.). The death certificate shall contain the following:

- a. *Personal History.* Statistical items on the personal history of the deceased and authenticated by the signature of the informer.
- b. *Physician's Statement.* The medical certificate including items relative to the sickness and death given by the physician in charge
- c. *Undertaker's Statement.* Items relative to the disposition of the body of the deceased, given by the undertaker in charge.

Causes of death shall be definite and explicit. Indefinite and unsatisfactory information as to the cause of the sickness and death will not be considered sufficient for issuing a burial and removal permit, and such shall be returned by the State Registrar for correction.

Death Reports (6014). The county coroner shall report to the county auditor on forms provided by that officer all deaths which come under his supervision, together with the causes and manner of each. The penalty for failure to do so shall be a fine of ten dollars (\$10).

Record of Inmates (6033). The superintendents or managers of hospitals, almshouses, lying-in institutions, or any other institutions in which persons are treated for disease or confinement and to which persons are committed by law shall make a complete personal and statistical record of all persons admitted to the institution. This information shall be secured from the patient if possible, but, if this cannot be done, from relatives or friends. In a case of a contagious disease, the physician in charge of the patient shall specify in the record the nature of the disease, and, if possible, where contracted.

Penalty for Violation (6038). Violation of or failure to perform the duties mentioned above shall be considered a misdemeanor. For a second offense the punishment shall be a fine of not less than twenty-five dollars (\$25); for the third or any further offense, a fine of not less than fifty dollars (\$50) nor more than two hundred and fifty dollars (\$250), or by imprisonment for not more than ninety days, or by both the fine and the imprisonment.

Any person who wilfully furnishes false information shall be guilty of a gross misdemeanor.

Court Rulings

The registrar of vital statistics may be compelled by writ to file a certificate of birth where there is no question as to the fact of

birth regardless of the time which has elapsed since the birth. The statute requiring that a certificate of birth must be filed with the local registrar within ten days was not intended as a limitation of power and right, and it is the registrar's duty to file the certificate after ten days if he is satisfied as to the fact of birth:

In re Seung 150 Wash 289 (1928)

The attending physicians are required to report births, deaths, and contagious diseases.

State ex rel Walker v Dean 155 Wash 383 (1930)

17. INSURANCE

General

Married Woman as Beneficiary (7230-1) If a married woman is the beneficiary of a policy of life insurance, whether procured by herself, her husband, or any other person, the benefits become her separate property and are for her separate use and for that of her children

Fraternal Insurance

Beneficiary Membership: Regulations (7265 Supp.). Any society may admit to beneficiary membership any person over sixteen and under sixty years of age who has passed a medical examination supervised and approved according to the laws of the society, and performed by a licensed physician. The examination may be dispensed with at the discretion of the society, provided the person makes a declaration of insurability acceptable to the society. His insurance, however, shall not exceed one thousand dollars (\$1,000).

Beneficiaries Limited (7264). The payment of death benefits of members' insurance is confined to the spouse, parents, parents-in-law, step-parents, children, step-children, adopted children, blood relation to the fourth degree, and persons dependent upon the member for support. If the member wishes, he may with the society's consent make his estate the beneficiary in the absence of a spouse, or natural or adopted children. If he is dependent on one of the society's fraternal homes or upon an incorporated charitable institution, he may designate it as his beneficiary. No beneficiary shall have any vested right in the benefit until it is due upon the death of its member.

Juvenile Insurance: Death Benefits (7293 Supp.). Any fraternal benefit operating on the lodge system and authorized by state law to

insure its members may provide in its constitution and by-laws for the payment of death or annuity benefits, in no case to exceed two thousand dollars (\$2,000), upon the lives of the children between the ages of one and eighteen years. The society may organize and operate branches for the insured children. Membership and initiation in the lodge are not required of the children, nor shall they have any voice in the management of the society.

Juvenile Reserve Fund (7295). A reserve fund shall be maintained by the society to meet the obligations incurred by the juvenile insurance. When a child reaches the minimum age for initiation into adult membership, his juvenile benefit certificate may be exchanged for the adult form of insurance. Any reserve upon the juvenile certificate shall be transferred to the new insurance. Neither the person who made the original application for the child's insurance, nor the beneficiary, nor the person who paid the premiums shall have any vested rights in the new certificate, the naming of the beneficiary being the sole right of the child.

Report to Insurance Commissioner (7296) An accounting of all business transacted in the juvenile benefit insurance showing assets and liabilities shall be included in the society's report to the State Insurance Commissioner. None of the juvenile benefit funds shall be diverted to any other use as long as any certificate remains in force.

Continuance of Juvenile Insurance (7298) If the person responsible for the support of the insured child terminates his membership with the society, the insurance shall continue for the benefit of the child's estate, provided the payment of the contributions continues, or for the benefit of another person who assumes the support of the child and the payment of the contributions.

Firemen's Pensions

Regular Department Members: Benefits and Insurance (9562 Supp.) (9563 Supp.) (9566 Supp.) (9567 Supp.). Widow the Beneficiary Retirement benefits (9562 Supp.) or disability benefits (9563 Supp.) that are being received by a retired fireman, or his Fireman's Life insurance (9566 Supp. and 9567 Supp.) shall be paid at his death to his widow, the benefits to continue until she remarries. In case of the retirement benefits, however, she must have been his wife for five years prior to his retirement, and in case of the disability benefits, his wife at the time he quits work.

No Surviving Widow: If there is no widow, the money is paid to the fireman's minor children until they reach the age of eighteen years unless they marry before they reach eighteen. In the case of the life insurance, if there be neither widow nor minor children, the insurance is paid to the fireman's parents if they were dependent on him for support, or until they remarry. The amount of the life insurance and the method of payment is governed by the length of the services of the deceased and the cause of his death.

Volunteer Firemen: Provisions (9578-4 Supp.) (9578-6 Supp.). Similar provisions govern the volunteer firemen's disability benefits (9578-4 Supp.) and life insurance (9578-6 Supp.). The widow must not have been divorced nor have started divorce proceedings against the deceased and must have been living with him at the time of his retirement or at his death.

Guardian Appointed (9578-2 Supp.). The board of trustees of the volunteer fire department has the power to appoint a guardian whenever the claim of a fireman who is a minor is involved.

Police Insurance

Death While on Duty (9585 Supp.). If a policeman loses his life in the performance of his duties, a yearly pension equal to one-half the salary for members of his rank shall be paid to his widow. If there is no widow, the pension is paid to his minor children under sixteen years of age until they reach the age of sixteen. If the widow or a child marries, that person immediately becomes ineligible to the pension.

Death While off Duty (9586 Supp.). In the case of a policeman who has served five years and whose death is not due to the performance of his duties, the insurance is one thousand dollars (\$1,000). If there be no widow or children under sixteen, the insurance is paid to his parents, or unmarried sister, or minor brother or sister who is dependent on him for support.

18. INTOXICATING LIQUOR

Action for Injuries (7348). Every husband, wife, child, parent, guardian, employee, or other person who is injured in person, property, or means of support on account of the intoxication of another shall have the right to bring action for all damages against any person who sold or gave the liquor to the intoxicated person. Evidence

must be produced to show that the liquor was sufficient to cause intoxication. A married woman may bring action in her own name, and the damages secured shall be for her separate use. Damages recovered by a minor shall be paid to the minor or to a person to hold in trust for him under the direction of the court. If either party dies, the right of action to or against his executor or administrator shall continue.

Sale to Minors (7328-1 Supp.). Any person who sells intoxicating liquors to any minor under twenty-one is guilty of a felony.

At University of Washington: Selling Forbidden (5100 Supp.). It is unlawful to sell intoxicating liquors, with or without license, on the grounds of the University of Washington or within the district bounded by Lake Washington on the east and Lake Washington Canal on the south, Eighth Avenue N.E. on the west, and East Fifty-second Street on the north. Any license granted for sales of liquor in this area is void.

Penalty (5101). Violation of this law is a misdemeanor and punishable by a fine of not less than one hundred dollars (\$100) or more than one thousand dollars (\$1,000), or by imprisonment in the county jail for a term of not less than six months or more than one year, or by both the fine and the imprisonment.

Near Other Schools (7306-27 Supp. Paragraph 8). Before the State Liquor Control Board issues any license to an applicant, it shall take into consideration how near the business for which the license is issued is to churches, schools, and public institutions.

Supplying to Minors (7306-37 Supp.). No person shall give or otherwise supply a person under twenty-one with liquor or permit any person under twenty-one to consume liquor on his premises or on premises under his control, except such as may be given to a person under twenty-one by his parent or guardian for beverage or medicinal purposes, or administered to him by his physician or dentist for medicinal purposes. Every person under twenty-one years who makes an application for a permit or who purchases liquor shall be guilty of violation of this act.

19. LABOR

Note: Labor of children and of women in Washington (especially in regard to working conditions and minimum wages) is governed by statutory provisions and by standards set by the Industrial Welfare

Committee. Both of these are included in this compilation. For the employment of children of school age during the time school is in session, see "Compulsory School Attendance" and "Vocational Training and Part-time Schools" under EDUCATION (Topic 12).

Administration: Evolutionary Development of the State Department

Department Created (10760) The Department of Labor and Industries, through which all labor in Washington is regulated, is hereby created.

Note: This department replaced the Bureau of Labor, which was abolished in 1921 (10893).

Director (10761). The position of Director of Labor and Industries is hereby created. The Director is appointed by the Governor with the approval of the Senate.

Note: The Director took the place of the former Commissioner of Labor

Divisions (10832). The Department is organized into three divisions: Industrial Insurance, Safety, and Industrial Relations

Note: The description of the first two of these divisions and their duties may be found in Remington as follows: Division of Industrial Insurance (10833 and 10836), Division of Safety (10834 and 10838). The Division of Industrial Relations, which has charge of the employment of minors and women, is presented below.

Administration: Division of Industrial Relations

Supervisor of Industrial Relations (10835). The Supervisor of Industrial Relations is appointed by the Director to head the Division of Industrial Relations and to act as State Mediator. With the approval of the Director, he appoints his assistants, two of whom are the Industrial Statistician and the Supervisor of Women in Industry, the latter to be a woman

Note: From the beginning in 1922 when the Department started its work, the Supervisor of Industrial Relations has also been the Supervisor of the Division of Safety and has taken the title "Supervisor of Safety and Industrial Relations."

Function of the Division: Mediation and Labor Studies (10839). **State Mediator:** The Supervisor, as State Mediator, has the power of mediation, conciliation, and adjustment in all industrial disputes in the state.

Labor Problems: The Division carries on studies of current problems arising in industrial relations and from time to time publishes them together with recommendations to the Legislature.

Labor Statistics: With the assistance of the Industrial Statistician, the Supervisor makes statistical studies and investigations in regard to labor.¹¹

General Regulations (7587). Working Conditions. The Director, through and by means of the Division, has supervision over the laws protecting the health and lives of common laborers, workers in factories, mills, mines, railways, and other places, and also laws regulating the qualifications of persons in trade and handicrafts.

Report. With the help of the Industrial Statistician, the Supervisor makes a biennial statistical report on or before the first Monday in January relative to the labor situation in the state. Matters included in the report are those that pertain to trade unions and other labor organizations and their effect on labor and capital, strikes and other labor difficulties; matters affecting the commercial, industrial, social, educational, moral, and sanitary conditions of the laboring classes; and the permanent prosperity of the industries in the state. The report shall also include the activities of the labor officials, violations of labor laws, and recommendations for labor betterment. This report becomes a part of the general biennial report of the Department of Labor and Industries.

Employees' Rights Protected: A provision in this section makes it a misdemeanor on the part of an employer to require as a condition of employment the surrender of any rights of citizenship or rights given by any laws regulating and prescribing the qualifications of persons in trades and handicrafts.

Hearings (7589). The Director, through and by means of the Supervisor, has the power to conduct hearings on labor difficulties, the hearings to be held in the community in which the trouble occurred. He may subpoena witnesses, administer oaths, and take testimony. Any person failing to obey a subpoena is guilty of a misdemeanor and, upon conviction before a court of competent jurisdiction, shall be punished by a fine of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) or by imprisonment in the county jail for not more than thirty days.

¹¹ These statistics were formerly collected by the Secretary of State.

Inspection of Working Conditions (7590). *Inspection*: The Director, through and by means of the Supervisor, has the power to enter places of work to examine the methods used for the protection of the employees and the sanitary conditions in and around such places and to gather necessary statistical information on labor.

Punishment: Refusal of an employer or his agent to allow the visit shall be deemed a misdemeanor punishable by a fine of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) or imprisonment in the county jail not to exceed ninety days.

Supervisor of Women in Industry (10839). The Supervisor of Women in Industry represents the Supervisor of Industrial Relations in supervising the administration and enforcement of all laws relating to the employment of women and minors. This includes working conditions that involve sanitation, safety, hours of labor, comfort, conveniences, wages paid, and anything that concerns the welfare of women and minors employed in the state.¹²

Industrial Welfare Committee

Personnel (10840). The Industrial Welfare Committee consists of the following officials of the Department of Labor and Industries: State Director of Labor and Industries (Chairman), Supervisor of Women in Industry (Secretary), Supervisor of Industrial Insurance, Supervisor of Industrial Relations, and the Industrial Statistician.¹³

Function (7624½). The Committee's function is to carry out the statutory provisions protecting the working conditions and the wages of women and minors. To do this, it has the power to set standards that will protect their health and morals and will insure

¹² The duties of this Supervisor of Women were formerly held by the Female Assistant Labor Commissioner (7586), whose office was abolished at the same time as that of the Commissioner of Labor.

Not only does the Supervisor of Women enforce the statutory laws governing the employment of women and minors, but also the mandatory standards set by the Industrial Welfare Committee, of which she is the executive secretary. Her greatest problems are in the smaller industries where no union contracts protect the workers. Inspection of working conditions and working hours in these industries, passing on requests for permits and issuing or rejecting them as the situation may warrant, issuing apprenticeship licenses, assisting in collecting wage claims, and investigating all complaints—these are the main functions that occupy the time of the Supervisor of Women in Industry. See below, pp 265-73.

¹³ The committee exercises all the duties and powers formerly held and required of the Industrial Welfare Commission, which was abolished in March, 1921 (Section 10893).

them a decent maintenance. These standards make up the minimum working conditions and wages below which no employer may go.

Standards Established: *Arbitration Conference* (7629) (7633). Investigation: In establishing the standards for any particular occupation, the Committee first investigates existing working conditions and wages paid. If the Committee finds that the work conditions or wages paid are not adequate or satisfactory, a public hearing or conference is called to ascertain all the facts.

Personnel of Conference: Evidence is presented to a group of conferees made up of an equal number of employees and employers and one or two disinterested parties representing the public. Their work is to make recommendations to the Committee on adequate minimum wages and standards of working conditions. A Committee member is chairman of the conference, the procedure of which is under the supervision of the Committee.

Report to Committee: After hearing the testimony, the conferees of the conference make their report to the Committee in the form of a resolution recommending the establishment of certain minimum wages and working conditions.

Committee's Action on Report (7630) (7633). **Obligatory Order:** The Committee may accept or reject the recommendations of the conference. If it rejects, it resubmits the question either to the same conference or to a new one; if and when it approves, it issues an obligatory order setting forth the minimum wages and standards of working conditions. The order is to be effective in sixty days or at a later date if, in the Committee's opinion, unusual conditions warrant the delay. Copies of the order shall be sent to each employer to be posted in every room in which females over eighteen and minors work.

Violation of Order: It is unlawful for any employer to employ a woman over eighteen or a minor for less than the wages set by the Committee or under working conditions that do not meet the standards set by it. No minimum wages shall be changed under one year.

Note: For the standards that the Committee has established to date, see "Mandatory Standards on Working Conditions and Minimum Wages Set by the Industrial Welfare Committee," pp 265-73.

Petition to Reconsider (7631). Employees or employers may petition the Committee to reconsider the mandatory orders on wages and working conditions. The Committee, at its discretion, may reopen the

subject and reconvene the old conference or call a new one. The procedure shall be the same as before.

Statistics Furnished by Director (7634). The Director of Labor and Industries shall upon the request of the Industrial Welfare Committee furnish that committee with the statistics it may require.

Appeals (7639). There can be no appeal from the Committee's decision on questions of fact. On questions of law, appeal may be made to the superior court.

Employer's Records Obligatory (7626). It is obligatory for every employer to keep a record of all women and minors employed by him and to permit, upon request, the inspection of these records by the Committee or its authorized representative.

Examination of Employer's Records (7625) In examining working and wage conditions of women and minors in the various occupations, trades, and industries, the Committee has full access either through its members or by other authorized representatives to all records and payrolls of employers of women and minors which would have any bearing upon the question of wages or conditions of work.

Complaints to Committee (7637) Any worker or the parent or guardian of any minor may make a complaint to the Committee if the wages paid are less than the legal minimum. The Committee shall investigate and proceed in behalf of the worker.

Hearings (7628) The Committee has the power at any time to hold public hearings in regard to the alleged violation of its standards. At these hearings employers, employees, and other interested persons may be heard. The Committee may subpoena witnesses, administer oaths, and order the payment of the witnesses in the same way as is done in civil cases before the superior court.

Action against Employer (7638). When an employee receives less than the legal minimum wage, he may sue for the full wage even though he agreed to work for less. The employer shall also pay the court and the attorney costs of the complaint.

Special Work Permits (7632). For any occupation in which mandatory minimum wages have been set, special licenses may be issued by the Committee to women physically defective or crippled by age and to apprentices, authorizing their employment for less than the minimum wage. These licenses, however, shall state the minimum wage and shall be granted only on evidence that the ap-

plication was made in good faith. The license shall be for a definite time.

Violation of Wage Standards (7636). Any person employing a woman or a minor for less than the mandatory minimum wages or under conditions that do not meet the mandatory standards shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100).

Witnesses Protected (7635). Any employer who discharges or discriminates against an employee because the latter has testified or is about to testify, or the employer thinks he may testify, in any investigation relative to the enforcement of this act, is guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) for each offense.

Biennial Report (7640). The Committee shall make a biennial report including legislative recommendations which shall be incorporated in the general report of the Department of Labor and Industries.

Statutory Working Conditions and Minimum Wages: General

Accidents: Action for Damages (7675 Supp). Choice by Plaintiff: In case of accidents in any extra-hazardous employment, if the accident is caused by the negligence or mistake of another not in the same employ, the injured workman or in case of his death, the widow, children under eighteen, or the deceased's dependents may choose in advance of any suit whether to sue such person for damages or take advantage of the insurance under the Workman's Compensation Act. If the latter is selected, the action against the outside party shall be assigned to the state for the benefit of the Accident Fund. If the former is selected, the Fund shall contribute only the deficiency, if any, between the amount received in damages and the amount due from the Fund.

Beneficiary Defined: "Beneficiary" refers to the surviving spouse or children under eighteen, stepchild, posthumous child, adopted child, illegitimate child who is legitimated before the injury, or the dependents.

Dependent Defined: A "dependent" in this case means, in the absence of a surviving spouse or child under eighteen, an invalid who is a near relative and who is dependent on the deceased for support. The dependent must furnish to the Director evidence of the amount and extent of the contributions made to him by the deceased.

Aliens: Alien dependents (except parents) in order to be beneficiaries must have lived in the United States at the time of the accident.

Extra-Hazardous Employments (7674 Supp.). Among the industries listed as "extra-hazardous" the following common ones are included: telegraph, telephone, electric light plants, laundries operated by power machinery, factories, mills, workshops where machinery is used, installation and servicing of radios and refrigerators, motor delivery, restaurants, fruit warehouses, packing houses, tugs, and ferries.

Note: See "Prohibited Occupations" under "Mandatory Standards on Working Conditions and Minimum Wages Set by the Industrial Welfare Committee," below, p 266.

Insurance Penalty (7683). If any person who is under the legal age as prescribed for the occupation in which he is engaged is injured, the employer shall within ten days after the demand of the Department pay into the Accident Fund a sum equal to fifty per cent more than the regular amount the worker would receive from the Fund.

Assignment of Wages (7598). No assignment for wages to be earned in the future shall be valid if made by a married man unless the written consent of his wife is attached thereto.

Conditions Injurious to Women and Minors: Defined (7623). The state welfare demands that women and minors be protected from any labor conditions that are injurious to their health or morals. Under its rights of police and sovereign power, the state declares that inadequate wages and unsanitary conditions of labor have such injurious effect.

Unlawful Employment (7624). It is unlawful to employ women or minors under conditions detrimental to their health or morals or at wages inadequate for the decent maintenance of women. Unsanitary conditions are declared to be detrimental to health and morals.

Note: See also "Mandatory Standards . . . Set by the Industrial Welfare Committee," below, p 266.

Eight-Hour Day (7651). No female shall be employed for more than eight hours in any one day in any mechanical or mercantile establishment or in any laundry, hotel, or restaurant. These provisions do not apply to females engaged in harvesting, packing, or preserving perishable foods. The hours of work may be arranged to suit the convenience of the employer and the employee, provided the eight-hour limit during any twenty-four hours shall not be exceeded.

Note: See also "Mandatory Standards . . . Set by the Industrial Welfare Committee," below, p. 266.

Minor Defined (7627). In respect to labor laws and regulations, a "minor" is a person of either sex under eighteen years of age.

Seats for Female Workers: Provision and Use (7615) (7616). Every employer of an establishment (including stores, offices, and schools) employing women shall provide suitable seats for each female and shall permit the use of the seats by the workers when they are not engaged in the active duties for which they are employed or when sitting does not interfere with their active duties.

Law Posted (7617). A copy of this law shall be kept posted at all times in a conspicuous place in each room in which the females are at work.

Penalty (7619). Violation of this provision shall be punishable by a fine of not less than ten dollars (\$10) nor more than one hundred dollars (\$100) for each offense.

Note: These provisions are repeated in these four sections with very little changes. The penalty as described in Section 7619, which became a law in 1911, supersedes the lower penalties of Section 7615, passed in 1890, and 7618, passed in 1901.

Employer's Report (7588). All employers of establishments shall make any reports that the Department may require to be used in its biennial report, but all material shall be confidential in respect to the name of the firm. Any public official who discloses such confidential information shall be punished by a fine not to exceed five hundred dollars (\$500) or by imprisonment for not more than one year.

General Employment of Children (2447) It is a misdemeanor for anyone to employ, or for any parent, guardian, or custodian, to permit to be employed, a boy under fourteen or a girl under sixteen at any kind of labor connected with a store, shop, factory, or mine, or any inside work not connected with farm or housework without a written permit from the superior court judge in the county of the child's residence.

Forbidden Employment of Children. See "Forbidden Places and Practices" (2445) under CRIMES AGAINST CHILDHOOD (Topic 9).

Court Rulings

A girl under 16 employed in violation of the child labor law is nevertheless a "workman" within the provisions of the Industrial In-

insurance Act. The child, whether employed legally or illegally, is entitled to all the privileges of the Workmen's Compensation Act and must seek remedies under the act, not under the common law:

Ran v Howard Mfg Co 109 Wash 524 (1920).

See also:

Hillestad v. Industrial Insurance Commission. 80 Wash 426 (1914)

One who unlawfully employs a child under the age of 14 years assumes all the risk of personal injuries while the latter is engaged in the performance of the prohibited duties, regardless of contributory negligence. That the father misrepresented the age or that the employer did not knowingly violate the statute is no defense:

Glucina v Goss Brick Co. 63 Wash. 401 (1911)

The relation of master and servant does not exist between father and son within the meaning of the Workmen's Compensation Act. A child under fourteen working in a shingle mill is illegally employed, and in this instance no recovery can be had under the compensation law, because the father cannot profit by his own wrong:

Hillestad v. Industrial Insurance Commission 80 Wash. 426 (1914).

Statutory Working Conditions and Minimum Wages: Particular Occupations

Bakeries: Age Limit (6293). No person under sixteen years shall be required or permitted by the employer to work in his bakery between the hours of eight o'clock in the evening and five o'clock in the morning.

Penalties (6294). Violation of this provision is a misdemeanor. Upon conviction a person shall be punished for the first offense by a fine of not less than twenty-five dollars (\$25) nor more than fifty dollars (\$50) or imprisonment for not more than ten days. For each succeeding offense, the punishment is a fine of not less than fifty dollars (\$50) nor more than one hundred dollars (\$100) and imprisonment for not less than ten nor more than thirty days.

Barbering: Eligibility of Operators (8277-3 Supp.). To be eligible to be a licensed operator for barbering, one must be sixteen years of age, a graduate (or equivalent) from a grade school, hold a licensed physician's certificate showing that the applicant has no infectious or contagious disease, and have a certificate of good moral character signed by two or more reputable citizens of this state.

Unlawful Barbering (8277-2 Supp.). It is unlawful for any person other than a licensed operator to practice as a barber except as a student

in a barber college or school. It is also unlawful for any person or firm to employ any person for barbering who does not hold a valid certificate of registration to practice barbering or is not a registered student in a barber school or college.

Beauty Culture: Eligibility of Operators (8278-3 Supp.). To be eligible as a licensed operator in beauty culture, one must be eighteen years of age, of good moral character and temperate habits; have a high school education; and have completed one year's training of two thousand (2,000) hours in an accredited beauty culture school.

Health Certificate (8278-4 Supp.) Within twenty days after the enrollment of each new student, the school shall register her with the Director of Labor and Industries. With this registration, there must be a health certificate showing that in a physical examination by a reputable physician made within ten days prior to filing, the physician found the student free from any infectious or contagious disease.

Supervision Required for Student Work (8278-17 Supp.) No student shall practice hairdressing or beauty culture except under the direct supervision of an instructor. Violation of this act shall be considered a misdemeanor, each day's activity constituting a separate offense.

Note: See "Beauty Culture" under "Mandatory Standards . . . Set by the Industrial Welfare Committee," below, p. 267.

Domestic Labor: Maximum Work Period (7651-1 Supp.). Sixty hours is the maximum period that either male or female domestic employees shall be required to work in any one week. Employed time is defined as any minutes or hours when the employee is subject to the call of the employer and when he is not free to follow his own inclinations.

Emergency (7651-2 Supp.) In cases of emergency the sixty hours may be extended.

Violation (7651-4 Supp.) Violation of the provisions in the length of employment for domestics is a misdemeanor.

Note. See also "Domestic Help" under "Mandatory Standards . . . Set by the Industrial Welfare Committee," below, p. 267.

Manufacturing Occupations (7659). Every factory, mill, and workshop in which machinery is used shall be sufficiently ventilated and kept in a clean and sanitary condition. There must be ventilation facilities that will exclude or make harmless all gases, dust,

vapors, and other impurities that are generated in the processes of the manufacturing.

Note: See also "Manufacturing Trades and Industries" under "Mandatory Standards . . . Set by the Industrial Welfare Committee," below, pp. 269-71.

Messenger Service and Factory Labor: Regulations (7621). Age Limit: No person under nineteen years shall be employed as a public messenger, or a telegraph or telephone messenger by any person or company in a city of the First Class Nor shall any person under fourteen be employed by any factory, mill, workshop, or store at any time.

Exceptions: A permit may be issued by the judge of the superior court for the employment of a child between twelve and fourteen years at any occupation which in the judge's opinion would not endanger the child's health or morals and on evidence that the labor is necessary for the support of the child or for the assistance of his parents.

Permits: The judge of the juvenile court may issue a permit for the employment of any boy over fourteen as a messenger for telegraph, telephone, or messenger service under limitations and conditions set by the court. All permits are for a definite length of time and may be revoked by the judge who issued them at his discretion.

Penalty (7622). Any employer, or his agent, who violates the provisions in Section 7621 shall on conviction be punished by a fine for each offense of not less than ten dollars (\$10) nor more than five hundred dollars (\$500), or by imprisonment in the county jail for not more than six months, or by both the fine and the imprisonment.

Note: It would seem that the Industrial Welfare Committee has taken over the function of the court mentioned above. See also "Occupations Other than Public Housekeeping" in "Mandatory Standards . . . Set by the Industrial Welfare Committee," below, pp. 272-73.

Mines (8800). *Age Limits:* No males under sixteen and no females of any age shall be employed inside mines. No males under fourteen and no females of any age shall be employed about the surface workings of mines except in clerical or such messenger service as is permitted under school laws. If in doubt as to the age of any male applying for work in or about a mine, the employer shall demand from the parents or guardian a sworn statement that the age of the applicant is above that prescribed for such employment.

Violation: Any person swearing falsely is guilty of perjury.

Rural Telephone Industry (7641). The Industrial Welfare Committee after notifying and hearing the parties concerned shall establish reasonable standards of wages, hours of work, and work conditions in telephone and telegraph industries in rural communities and in cities of less than three thousand (3,000) people.

Note: See also "Telephone and Telegraph" and "Occupations Other than Public Housekeeping" in "Mandatory Standards . . . Set by Industrial Welfare Committee," below, pp. 272-73.

*Mandatory Standards on Working Conditions and
Minimum Wages Set by the Industrial Welfare Committee*

The Industrial Welfare Committee, acting under the authority granted to it in Sections 7629 and 7633 to set minimum standards for wages and working conditions for females and minors who are employed in the various industries and occupations, has established the standards for the following ones and has issued its mandatory rulings in the following bulletins:

Apartment Houses (36)	Manufacturing Trades and Industries
Beauty Culture (35)	(29, 30)
Canneries (34)	Mercantile Industry (28)
Domestic Service (33)	Public Housekeeping (23, 24)
Fruit and Vegetable Packing and	Telephone and Telegraph (27)
Dehydrating (32)	Occupations Other than Public
Laundries and Dye Works (25)	Housekeeping (31)

General Regulations

Certain of the standards included in these bulletins really repeat the statutory provisions. These are as follows: the eight-hour day, seats for workers, sanitary conditions, good ventilation, and permission for the aged and the physically weak to be employed for less than the minimum wages.

Other provisions that have been established by the Committee which are common to all occupations except domestic service and agriculture are as follows:

Working Conditions: There shall be separate toilets for females, comfortable and adequately equipped rest rooms with conveniences for changing street clothes to uniforms when these are required in the work, and comfortable lunchrooms. In establishments where fewer than ten women are employed, the employer may upon application to the Committee be released from any or all of these requirements as the Committee thinks best.

Time: No one shall be required or allowed to work more than six days (forty-eight hours) in any one week. Exceptions to this, when allowed, are definitely specified.

Age Limits: No minor (under eighteen) shall be employed in any industry over which the Committee exercises supervision unless a permit is secured from the Supervisor of Women in Industry. This refers to all occupations except domestic service and agriculture. [These two occupations are so varied in their problems that it has seemed impossible to establish standards.]

Prohibited Occupations: The following prohibitions are placed upon employment of women and minors:

- a No female of any age shall be employed as a bootblack or a bell hop
- b No male minor under sixteen nor any female minor shall be employed in any bowling alley
- c No female minor shall be employed in any shooting alley, penny arcade, pool-room, and like places, nor as an elevator operator, a clerk for selling cigarettes or tobacco in any form, an outside messenger, a bus girl, cabaret performer, "shaker" in a laundry, nor in any kind of delivery service
- d No female of any age shall operate an elevator after midnight
- e No minor shall work upon, nor in dangerous proximity to, any cables, rigging, or hazardous machinery. This does not mean that minors are prohibited from being employed in establishments in which there is machinery. If it appears that the minor will not be subjected to any hazard, the Committee may issue him a work permit. The decision of the Committee is final in determining what is safe.

Note: Mandatory requirements for the particular occupations listed above are given below under the names of each.

Apartment Houses (Bulletin 36)

Minimum Wages: Minimum wages for both adult females and all minors in apartment house work shall be sixteen dollars (\$16) a week. If employment is for less than the regular forty-eight hour week, the rate shall not be less than thirty-seven and one-half cents ($37\frac{1}{2}c$) an hour. If occupancy of an apartment is a compulsory condition of employment, the living quarters shall be adequate in regard to space, light, heat, and water, and shall include separate rooms for cooking, sleeping, and toilet purposes. Rental charges shall not exceed one-third of the minimum weekly wage of sixteen dollars (\$16).

Living Conditions: If employees wish larger or more expensive living accommodations or if occupancy is not compulsory but permissive or if occupancy is a condition of employment but the work does

not require eight hours a day, contracts may be made to meet the situation, provided they are approved by the Committee.

Beauty Culture (Bulletin 35)

The minimum weekly wages for experienced operators shall be fifteen dollars (\$15). In cases of part-time employment, which must be continuous in any one day, the rate shall be thirty-five cents (35c) per hour. Employment of operators on a straight commission basis is prohibited.

Note: See statutory provisions, above, p. 263.

Canneries (Bulletin 34)

By "canneries" are meant establishments that can any food stuffs.

Minimum Wages: The minimum wage for any female or minor shall be thirty-seven and one-half cents ($37\frac{1}{2}c$) per hour. At least two-thirds of the workers who have worked for a period of sixty days shall receive the standard minimum of thirteen dollars and twenty cents (\$13 20) per week (Bul. 29). In piece work at least one-half of the female and minor workers shall receive an average of thirty-seven and one-half cents ($37\frac{1}{2}c$) per hour. If this is not done the wage of all piece workers shall be increased to make this average.

Working Conditions The same general working provisions as those governing factories in respect to floors shall be enforced here. Rest periods of fifteen minutes during each shift must be arranged for, either in individual relief periods or in general relief periods. A "shift" is interpreted by the Committee to mean four hours, or half a day.

Domestic Service (Bulletin 33)

Emergency Defined: The "emergency" given in the statutes (7651-2 Supp.) as the reason for exceeding the sixty hours allowed for work each week is interpreted by the Committee to be an unforeseen condition calling for immediate action (such as sickness) but which is not continuous or regular. Over-time shall be compensated for by extra time off each week to keep the maximum within the sixty-hour limit.

"Working Hour" Defined: A "working hour" is defined as one during which the employee is not free to follow her own pursuits.

"Free Hour" Defined: A "free hour" is one in which she is entirely free from any responsibility to the employer and to the job.

Weekly Schedule: The weekly schedule shall be made to fit the individual situation. The Committee recommends six hours off duty on Thursday and four hours off on Sunday.

Fruit and Vegetable Packing and Dehydrating (Bulletin 32)

Wages: The minimum wages for experienced females is twenty-seven and one-half cents ($27\frac{1}{2}c$) per hour and for inexperienced females and minors twenty-two and one-half cents ($22\frac{1}{2}c$) per hour for the first two weeks and twenty-five cents ($25c$) an hour for the second two weeks. Females and minors are considered as experienced after four weeks of work—regardless of whether the work was in the current season or whether under another employer.

Over-time: For work of more than ten consecutive hours, time-and-a-half shall be paid; for more than twelve hours, double time; for more than six out of seven consecutive days, at the rate of time-and-one-fourth for the first eight hours and time-and-a-half for all hours in excess of eight and up to twelve, and double time for all over twelve on the seventh day.

Special Permits: A doctor's certificate is required by the aged or those physically below par in applying for a permit to work at substandard wages.

Piece-work: Persons may be employed on a piece-work basis rather than on the hour basis, provided that at least one-half of the piece workers each earn not less than thirty cents ($30c$) an hour, and all others except those working on special permits at substandard wages not less than twenty-two and one-half cents ($22\frac{1}{2}c$) an hour.

Work Checks: All employees including "piece" workers shall be furnished with work checks that indicate the hours they have worked.

Employer's Record: Every employer shall keep a record of employees together with the hours each works and the wages paid. This record shall be kept on file for one year.

Laundries and Dye Works (Bulletin 25)

Minimum Wages: The minimum wage scale for laundry workers shall be thirteen dollars and twenty cents ($\$13.20$) per week. When a regular employee reports for work, she shall be paid a half-day's wage whether work is provided for her or not, unless she is notified in advance that she is not needed for that day, or unless she was absent the previous day of her own accord.

Working Conditions: Here as in any industry minors may be employed if they have a permit from the Supervisor of Women in Industry. No permit, however, is issued until the Committee establishes the fact that the minor's work will not subject him to any hazard.

A fifteen-minute rest period shall be given all females over eighteen at the end of every six hours of work.

No female shall knowingly be employed during the four months immediately previous to confinement nor until after six weeks following confinement.

Manufacturing Trades and Industries (Bulletins 29 and 30)

Wages and Apprenticeship Regulations: The minimum wage for experienced female workers is thirteen dollars and twenty cents (\$13.20) a week, except for persons who had their apprenticeship elsewhere. These may be employed for three months at a rate less than this amount of thirteen dollars and twenty cents (\$13.20) but not below twelve dollars (\$12.00) weekly.

An "apprentice" is one not experienced in the particular work in which she is employed, whereas an "experienced worker" is one who has served the regular apprenticeship time where now employed, or if in another establishment, then she must have followed it by at least three months of labor in the work in which she took her apprenticeship.

Apprenticeship Schedules: There are five different schedules (A, B, C, D, E) for apprenticeship, all of which have the same ascending wage scale of nine dollars (\$9), ten dollars (\$10), eleven dollars (\$11), and twelve dollars (\$12), but a different time period for each of the wages listed. In schedule A, the wage rises every three months; in schedule B, every two months; in schedule C, every six weeks; in schedule D, every month; and in schedule E, every week.

The schedule used in any industry shall be determined by application to the Supervisor of Women in Industry. An industry may change from one schedule to another when conditions warrant, but only on the approval of the Supervisor.

No firm shall employ at any one time more than one-fourth of the total number of females as apprentices except in cases of emergency and then only on permission granted by the Supervisor of Women in Industry, from whose decisions appeals may be made to the Committee.

Piece Work: In piece work, the rates shall total not less than thirteen dollars and twenty cents (\$13.20) weekly for experienced workers, and for apprentices it shall amount, after sixty days' work, to at least nine dollars (\$9.00) per week, even if the actual amount earned be less.

Working Conditions. A minor may be employed here as in other places where there is hazard from machinery, provided he has a permit from the Committee. The safety of the minor governs the Committee in granting the permit

The following special provisions over and above the regular standard ones are set forth by the Committee to cover all types of manufacturing work done in factories or elsewhere.

Lighting In addition to adequate natural or artificial light for all women workers each woman shall have sufficient light regardless of her position or floor space. When necessary, individual lamps shall be placed close to her work, and if lamps are used, there shall be suitable opaque reflectors.

Temperature A minimum temperature of fifty-eight (58) degrees Fahrenheit shall be maintained from October to April. The air shall be kept free from all impurities, such as dust, gases, lint, fibres, etc.

Floors. Floors shall be smooth and tight, and where the work makes for dampness, they shall be pitched for drainage so that there is no unreasonable depth of liquid at any point. Where floors are wet, there shall be adequately high wooden racks or grating covering the wet spaces.

Rest Rooms. In addition to standard provisions for rest and lunchrooms, there shall be provisions for tables, chairs, and heating water in the lunchrooms, and for separate cloak rooms. (Modified compliance is granted by the Committee at its discretion on application by an employer of less than ten workers). Women's toilet rooms shall have an adequate number of wash bowls either in the same room or in one adjacent and in direct route between the toilet and the work place. Any other location must be approved by the Committee. Sufficient soap and towels shall be provided.

Health: No woman shall be required or allowed to carry excessive burdens. Standard first-aid equipment must be provided. As in laundry work, employment is prohibited during the four months immediately preceding confinement and the six weeks immediately following.

Seats: In addition to the standard provisions concerning seats to be provided and their use allowed, there shall be one at the work table or machine of each and every minor employed. These shall be adjustable, and at all times they shall be kept adjusted to the work so that the worker's position relative to the work shall be substantially the same whether sitting or standing. Work tables, including sorting belts, shall

be of such dimensions and design that there are no physical impediments to efficient work in either a sitting or a standing position. Adjustable foot rests shall also be provided. All new installations must be approved by the Supervisor of Women in Industry.

Mercantile Industry (Bulletin 28)

Standard working conditions prevail in the mercantile industry. The minimum wage for females over eighteen shall be thirteen dollars and twenty cents (\$13.20) weekly. A one-hour noonday lunch period shall be allowed. Establishments having fewer than ten employees may apply to the Committee for release from the standard working conditions.

Public Housekeeping (Bulletins 23 and 24)

Description: Public Housekeeping is what its name implies and refers to housework done in a public place. Included are such establishments as hotels, rooming houses, boarding houses, public eating places of all kinds, apartment houses, hospitals (except for nurses), philanthropic institutions, and any others in which any kind of housekeeping is done. Among the workers included are linen room girls, chambermaids, cleaners, kitchen girls, dishwashers, pantry girls, pantry servers, waitresses, counter girls, bus girls, elevator operators, janitresses, laundry workers (not commercial laundry workers), and any others doing housekeeping work in a public place.

Wages: The minimum wage for females over eighteen shall be fourteen dollars and fifty cents (\$14.50) a week, or two dollars and fifty cents (\$2.50) per day, or thirty-five cents (35c) an hour. Minors shall receive not less than twelve dollars (\$12.00) per week, which shall be increased one dollar (\$1.00) per week after each four months of employment until the adult minimum wage of fourteen dollars and fifty cents (\$14.50) is reached.

Note: No minimum wages are set for minors for employment by the hour or the day.

The term "week" is applied if the employment is for one week or over; the term "day" if for one day of eight hours; and the term "hour" when less than one day.

Board and Room: Definite agreements shall be made as to whether board and room are to be furnished as part payment of wages; otherwise the straight wage scale shall prevail. If deductions are made for board and room, they shall be evaluated as follows: one day's board

equal to ninety-five cents; breakfast, twenty cents; lunch, thirty cents; dinner, forty-five cents; and room, two dollars a week.

Work Time: The maximum six-day week may be extended for females over eighteen if an emergency exists in which other efficient help cannot be secured. No more than ten days of straight work, however, shall be allowed. At the expiration of ten days of work, each worker shall be given a rest period of one day. At least four days of rest shall be given in every twenty-eight-day period of work. For every five hours of work, a rest period of one-half hour shall be given.

No minor shall be employed for any time before 7:00 A.M. nor after 7 00 P.M. unless on investigation conditions are found by the Committee to be not detrimental to the welfare of the minor. Then females over sixteen may work only until 9:00 P.M., and males over sixteen only until 10:00 P.M. or such time as decided upon by the Committee.

If meals are furnished, the time spent by females over eighteen in eating may be deducted provided arrangements have been made for the deduction in the schedule. In the case of minors, at least three-quarters of an hour shall be allowed, time schedules showing the same to be posted at all times.

Uniforms: If uniforms are required, the employer shall furnish them and keep them laundered.

Telephone and Telegraph (Bulletin 27)

General working conditions govern the telephone industry. The minimum wage shall be thirteen dollars and twenty cents (\$13.20) per week. Not less than one hour shall be allowed for lunch for any female.

Note: See also statutory provision, above, p. 265.

Occupations Other than Public Housekeeping (Bulletin 31)

For minors under eighteen working in *all* occupations (other than public housekeeping), including stenographic and clerical workers and assistants in physicians' and dentists' offices, the following provisions were established:

Wages: The weekly minimum wages shall be nine dollars (\$9). This minimum wage shall be increased one dollar (\$1) per week after every six months of service until the general minimum weekly wage of females over eighteen, which is thirteen dollars and twenty cents (\$13.20), is reached. The number of minors employed for less than this minimum wage shall be charged against the number of apprentices

allowed the industry. No minor shall be employed for less than full time unless notice of the schedule is posted in advance not later than noon of the preceding day.

Time: No minor shall be employed for the hours before 6:00 A.M. or after 7:00 P.M. unless upon investigation by the Committee, it is found that working later is not injurious to the welfare of the minor. Then minors over sixteen may receive permits from the Committee to be employed later than 7:00 A.M. but never later than 10:00 P.M. The exception to this provision is in the case of telephone and telegraph work in rural areas and in towns of less than three thousand (3,000) population where the work is messenger service on a part-time and piece-rate basis. Here any minor may be employed up until 10:00 P.M. but not later.

The minimum lunch time for minors shall be one hour. No minor shall be employed for more than five hours without a rest period of at least one hour.

20. MISCELLANEOUS PROVISIONS

Change of Name (998). Any person may apply by petition to the superior court of the county of his residence for change of his name or that of his child or ward. The petition shall set forth the reasons for the change. The court, in its discretion, may order this change, in which case the new name shall replace the former one.

Fishing Privileges (5892) Minors under sixteen who are residents of the state may fish without a license during open seasons.

Crimes Classified (2253) *Felony:* Every crime punishable by death or by imprisonment in the state penitentiary is a felony

Misdemeanor: Every crime punishable by a fine of not more than two hundred fifty dollars (\$250) or by imprisonment in the county jail for not more than ninety days is a misdemeanor.

Gross Misdemeanor: Every other crime is a gross misdemeanor.

Punishment of Crime: *Felony* (2265). If no punishment for a felony was prescribed in the statute at the time the felony was committed, the punishment shall be imprisonment in the state penitentiary for not more than ten years or by a fine of not more than five thousand dollars (\$5,000) or by both the fine and the imprisonment.

Misdemeanor (2266). If no punishment for a misdemeanor was prescribed in the statutes at the time of the conviction for the misdemeanor, the punishment shall be imprisonment in the county jail for

not more than ninety days, or by a fine of not more than two hundred fifty dollars (\$250).

Gross Misdemeanor (2267). If no punishment for a gross misdemeanor was prescribed in the statutes at the time of the conviction for the gross misdemeanor, it shall consist of imprisonment in the county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000) or by both the fine and the imprisonment.

Voting Age (Constitution, Amendment 5). All persons of both sexes shall be of full voting age at twenty-one years.

21. MOTOR VEHICLE OPERATORS

Operator's License: Minor's Application (6312-51, Vol. 7A). The application for a driver's license by any person under twenty-one must be signed by his father if living and having the custody of the minor; otherwise, by the mother or the guardian; or in the absence of these, by his employer.

Age Limit (6312-45, Vol. 7A). No license for operating a motor vehicle shall be issued to children under sixteen years of age.

Instruction Permits (6312-47 Supp, Vol. 7A). A temporary instruction permit may be issued by the Director of Licenses, at his discretion, to persons over sixteen for a period of sixty days. This authorizes the person to operate a vehicle on the public highway when having the permit in his immediate possession and when accompanied by a licensed vehicle operator who shall occupy the same seat with him. There shall be no other person in the car. A fee of fifty cents (50c) is charged for this permit.

Age of Public Carrier Operator (6312-48, Vol. 7A). *For-Hire Carriers*: It is unlawful for any person under twenty-one, whether licensed to drive or not, to operate any for-hire vehicle or other motor vehicle while it is used as a public passenger carrier for hire.

School Busses. It is also unlawful for any person under eighteen, whether licensed to drive or not, to operate a motor vehicle while it is used as a school bus for the transportation of pupils to or from school.

Unlawful Driving (6312-62, Vol. 7A) It is unlawful for anyone to cause or knowingly permit his child or ward under eighteen to operate a motor vehicle on a public highway unless the child has obtained an operator's license. Nor shall anyone employ a person not licensed to operate a motor vehicle, nor shall anyone allow a

motor vehicle owned by him or under his control to be driven by an unlicensed person.

Nonresident Operators (6312-44, Vol. 7A). A nonresident over sixteen years of age who has a license for operating a motor vehicle in his own state or country, and who has the license in his immediate possession, shall be eligible to operate a motor vehicle in this state.

It is unlawful for nonresidents from states that do not require operators to be licensed to operate cars in this state without securing the proper license. However, an unlicensed nonresident owner of a vehicle who is over sixteen years of age may operate his vehicle for thirty days before securing a driver's license, provided he has in his immediate possession his registration certificate of ownership, and provided he always keeps his home license plates on the vehicle while driving.

22. PARDONS AND PAROLES

Board of Prison Terms and Paroles: Function (10249-1 Supp.). The supervision of pardons and paroles is under the Board of Prison Terms and Paroles.

Regulations (10249-8 Supp.) **Personnel**. The personnel of the Board shall consist of three persons appointed by the Governor, by and with the advice and consent of the Senate, and their terms of office shall be six years. The Governor shall also select a chairman from among the members, fill vacancies, and remove members for cause after a hearing.

No member of the Board shall hold any other office or engage in any other business or profession, or hold any office or committee membership whatsoever in any political party.

Meetings: The Board shall meet at the penitentiary and at the reformatory when necessary for a full and complete study of the cases of all convicted persons whose terms of imprisonment are to be determined by it, or whose applications for parole come before it. Other meetings are fixed by the Board. A majority of the Board is required for a quorum, and no order is valid unless concurred in by two members.

Report: The Board shall send a biennial report of its work, including the number of prisoners whose terms were fixed by it and the

number released on parole, to the Governor for submission to the Legislature, and any other reports as he requires.

Sentences by Court and Board (10249-2 Supp.). *Limitation on Court:* Persons who have been convicted of any felony (except treason, murder in the first degree, carnal knowledge of a child under ten years, or of being an habitual criminal within the meaning of the statute, all of which call for the penalty of life imprisonment) shall be sentenced by the court to the penitentiary or to the reformatory, as the case warrants. The court, however, shall set only the maximum term of the sentence as provided in the statutes. If the law does not prescribe the sentence, the court shall determine the maximum up to and including life imprisonment but not less than twenty years.

Board Sets Term: After the admission of the prisoner, the Board shall obtain from the sentencing judge and the prosecuting attorney a statement of all facts in the case and advice on the length of the term. Within six months after admission of the offender, the Board shall fix the length of term, not to exceed the maximum set by law or that set by the court if the law does not provide for the maximum. The sentence begins from the date signed by the court, unless an appeal is made by the convicted person out on bond, in which case the sentence begins on the date when the person is remitted. On refraction of reformatory rules by any inmate, the Board, after a hearing, may revoke the earlier term and set a new one not to exceed the maximum set by law or by court.

Labor: The Board shall require of every able-bodied prisoner daily labor as prescribed by its rules and regulations.

Individual Investigation (10249-3 Supp.). In order that the Board may become efficient in fixing the term of each prisoner and in supervising and regulating his treatment and activities, it shall set up an effective method of investigation by which it may learn not only of the crime of each offender, but also of his personality.

Probation: Investigation (10249-5a Supp.). The court may, at its discretion, grant or deny probation at the time of conviction, or it may hold a hearing later with the defendant present to determine if probation should be granted. The court may, prior to the hearing, ask the Board, or its officers, to investigate the situation and report at the hearing. If there is no state parole officer working in the county at the time, the court may request the prosecuting attorney or the sheriff to

make the investigation. Probation shall not be granted to any person ineligible to a suspended sentence.

Suspended Sentence (10249-5b Supp.). Conditions to Be Met: The court, in granting probation, may suspend the sentence for a period not to exceed the maximum term of the sentence. As a condition to the probation order, the court may imprison the offender in the county jail for a term not to exceed one year, or fine him a sum not exceeding one thousand dollars (\$1,000) plus costs, or assign both penalties.

As a condition to the probation, the court may require the offender to make full or partial restitution, give a bond for observance of conditions, and report to the Board and follow its rules.

Re-Arrest (10249-5c Supp.). If the probationer violates the terms of his probation, the state parole officer under whose supervision he is placed may have him re-arrested and brought before the same court for a re-hearing. The court without notice may revoke the probation order and suspend the sentence and have the prisoner delivered to the sheriff to transport him to the reformatory or the penitentiary in accordance with the sentence imposed formerly.

Discharge by Court (10249-5d Supp.). The court, at any time during the probation period, may revoke or modify its order of suspension of the execution of its sentence, and may terminate the probation period and discharge the probationer, if his reformation and the ends of justice are subserved thereby.

Charge Dismissed (10249-5e Supp.). Every probationer who has fulfilled his probation period, or who has been discharged from his probation prior to the termination of its period, may at any time prior to the expiration of the maximum term of punishment, and in the discretion of the court, withdraw his plea of "guilty" and enter a plea of "not guilty." Or if he had been convicted after pleading "not guilty," the court may in its discretion set aside the verdict of "guilty." In either alternative the court may dismiss the information or indictment, and the person shall be released from all penalties and disabilities resulting from the offense or crime for which he was convicted. The probationer shall be informed of this right in his probation papers. In any subsequent prosecution for another offense, however, such prior conviction may be pleaded and, if proved, shall have the same effect as if probation had not been granted or the indictment had not been dismissed.

Paroles (10249-4 Supp.). *When Granted*: The Board shall have the power to make rules and regulations governing the parole of prisoners.

A parole may be granted to a prisoner who has served full term less time-credit for good behavior and diligence in work, provided that at no time may he be credited with more than one-third of his term as fixed by the Board.

Parolee Returned: The Board has power to return the parolee if it deems best or if the parolee breaks the state law or violates the rules of parole. If the parolee breaks his parole or any law of the state or any regulation of his institution, all his credits may be canceled by the Board after a hearing. The parolee has the right to be present to defend himself and to present evidence and witnesses

Re-Arrest: A written order of the Board, bearing its seal, is sufficient warrant for the re-arrest of a parolee. All police officers shall recognize such an order.

Parolee's Record: A complete record of the prisoner on parole shall be kept by the Board, the confidential nature of such record to be determined by the Board.

Cooperation with Board: The superintendents of the penitentiary and of the reformatory and all other public officials shall cooperate with the Board in giving it all needed information and shall permit its free access to all prisoners.

Governor's Powers: The power of the Governor to commute sentences or pardon inmates is not limited or circumscribed by the above regulations, and he is hereby authorized to cancel or revoke any parole granted by the Board.

No prisoner shall be discharged unless in the opinion of the Board his rehabilitation has been complete and until he is fit for release or until his maximum term expires.

Parole and Probation Officers (10249-5f Supp) State parole and probation officers shall carry out the provisions set forth in this law under the supervision of the Board.

Contracts with Other States (10249-11 Supp) Contracts may be made by the Governor with other states providing for the permission of persons on parole or probation to live in any of the contracting states. The receiving state shall have supervision over them, but the sending state may enter the receiving state and re-arrest such a person, provided the consent of the receiving state shall be given if it has an action pending against the person.

Honor Camps: Establishment (10249-21 Supp.). The Director of Finance, Budget and Business, with the assistance of the Director of

the Department of Conservation and Development, and the Commissioner of Public Lands, may establish and operate camps called "Honor Camps" for trustees of the reformatory and the penitentiary who have served one-third of their minimum sentence and who have been recommended for the privilege by the superintendent of the institution and who have been ordered transferred to the camps by the Board

Work Plan (10249-22 Supp.). "Honor Camps" shall be established on state- or county-owned lands. The work of the trustees shall be clearing the lands and their reforestation. The clearing shall not be that ordinarily done for the construction or maintenance of state or county roads. No guards nor barricades shall be used, nor shall the trustees be labelled by any prison number but shall be known by their names. Their work is under the Director of Finance, Budget and Business.

Agreements for Lands (10249-23 Supp.). The Commissioner of Public Lands, the Director of Conservation and Development, and the board of county commissioners may enter into lease agreements with the Director of Finance, Budget and Business on behalf of the state for the necessary lands, facilities, and equipment needed to carry on the "Honor Camp" plan, and these officials are empowered to accept in full as compensation for the lands the improvements made.

Time in Camp (10249-24 Supp.). The time each inmate works in the "Honor Camps" shall, so far as it is practicable, be not less than six months nor more than two years.

Compensation: The inmates shall be paid at the rate of twenty-five cents a day for each day worked, the wage to be credited to the inmate's account. At the end of each calendar month the inmate may draw not more than one-quarter of his monthly earnings. If the inmate is placed on parole, the balance is to be paid in equal monthly installments at the rate of one dollar a day, the payments to begin on the date of his release.

Management (10249-25 Supp.). The "Honor Camps" are under the management and control of the Department of Finance, Budget and Business in the same manner as are all state institutions.

Supervision (10249-26 Supp.). The Director of Finance, Budget and Business shall appoint a supervisor who shall have immediate supervision of the "Honor Camp" under the rules and regulations approved by the Director. The supervisor shall give a bond of five thousand dollars (\$5,000) for the faithful performance of his duties. He may ap-

point such subordinate officers and employees as may be necessary. He shall serve as long as the Director deems wise for the efficiency and economy of the camp.

Reports (10249-27 Supp.). The supervisor shall report monthly to the Board of Prison Terms and Paroles the activities of the inmates and all other information requested by it. He shall carry out all orders of the Board in respect to any of the trustees.

Transfer of Prisoners (10249-5 Supp.). The transfer of a prisoner to another institution may be instituted by the Board if in its judgment the best interests of the state and the welfare of the prisoner warrant. Convicted persons shall be transported to the reformatory or the penitentiary under the direction of the Board.

Pardons (10249-7 Supp.). The Board at the request of the Governor shall pass on the reasons given in the petition supporting the request for pardon, and make recommendations to the Governor in regard to them.

The Board shall have supervision of persons conditionally pardoned by the Governor.

23. PARKS AND PLAYGROUNDS

Cultural Centers and Playgrounds (8981-4 Supp.). Any city or town acting through its council or legislative body and any organized park district may establish public auditoriums, art museums, and athletic and recreational fields. These may be used for both public and private purposes under rental rules as made by the city council or the park commissioners.

Grants by the State (7993-1 Supp.). Any incorporated city, town, or metropolitan park district in which state-owned or shore lands are located may apply to the Governor through the Commissioner of Public Lands for use of the lands for park or playground purposes. The Governor shall appoint a committee of five local representative citizens who, with the Commissioner of Public Lands and the Director of Conservation and Development, shall investigate the local need of parks and playgrounds and the suitability of the lands for that purpose. If their findings are favorable, they certify them to the Governor, who in the name of the state deeds the property to the local government to hold as long as it shall be used for the purposes stated.

Exchange of Lands (7993-2 Supp.). If there are no suitable state-owned tide or shore lands within the boundaries of the particular locality, but there are suitable privately owned ones of equal value, the Commissioner of Public Lands may secure the private ones by exchanging for them state-owned land of equal value situated in the same county. He shall convey the newly acquired lands to the locality for its use for parks and playgrounds.

State Aid (7993-3 Supp.). The Director of Conservation and Development shall furnish trees, grass, flowers, and shrubs, and shall assist the local unit in the development and the decoration of the conveyed lands.

State Parks Committee (10768). The State Parks Committee consists of the Commissioner of Public Lands, the Secretary of State, and the State Treasurer.¹⁴

Metropolitan Park Districts (6720) (6721). Cities of the first class may, by an election of the voters, create a metropolitan park district (to include adjacent territory to the city proper if the electors thereof wish it) for the acquisition, management, and improvement of parks, boulevards, and parkways.

Note: For further information on metropolitan park districts, see Remington's *Revised Statutes*, Sections 6722-6741.

Acquisition by Cities (9034, paragraph 46) (9128) (9176). Cities of the second, third, or fourth classes may acquire land within or without their limits for public parks or playgrounds.

Included in Platting City (9304-5 Supp.). In approving the subdividing and platting of lands, the city council, the board of county commissioners, or the planning council shall see that appropriate provisions are made for parks and playgrounds. Before giving its final approval on the platting of any area, the board shall submit the proposed plans to the State Planning Council for its approval.

County Parks (3991-1 Supp.). Counties are authorized to acquire sites for parks, recreation areas, camping places, and scenic-views.

Upkeep and Management (3991-2 Supp.). The upkeep and management shall be provided for by the county, which makes rules governing their use.

Transferred to State (3991-3 Supp.). On the petition of one hundred qualified voters, the board of county commissioners may trans-

¹⁴ This committee took over the functions of the former State Board of Park Commissioners.

fer county-owned lands to the state for park purposes.

Violation of Rules (3991-4 Supp.). Violation of the rules and regulations relating to the use or occupation of parks owned by the county is a misdemeanor.

24. POLICE MATRON

Employment and Duty (9282). A police matron (or matrons) shall be added to the police force in cities having ten thousand or more population. She shall have full immediate care of all females under arrest while they are detained in the city jail.

Qualifications (9285) Police matrons shall be suitable persons and shall be appointed only on the written recommendation of at least twenty women residents of good standing in the city.

Appointment (9285 Supp.) The police matron employed or appointed in accordance with this act shall be employed or appointed in the same manner as are other regular members of the police departments in the particular city where the appointments are made.

Police to Assist (9283) All policemen, or in their absence any person present, shall render assistance to the police matron when it is necessary and when she requires it.

Separate Housing for Female Prisoners (9284). No female prisoner shall be housed in a cell or apartment of the city jail with a man

25. PROPERTY

Administration of Minor's Estate under Probate Law

Wills: Eligibility for Testation (1394). Any person who has reached the age of majority and is of sound mind may make a will.

Effect of Marriage or Divorce (1399) If a person marries after having made a will and at his death there is a surviving spouse, the will is revoked unless he has made provisions for the spouse by a marriage settlement or by a provision in the will or has mentioned the spouse in the will in such a way as to show that he did not intend to make any provision, or unless other evidence is produced to rebut the presumption of revocation. A divorce subsequent to the making of the will revokes it in regard to the rights of the divorced spouse.

Failure to Provide for Child (1402). If a person makes his will and dies leaving a child or the child's issue not provided for in his will, even though the child or issue was born after the making of the will, the

testator shall be considered to have died intestate as to the child not named. The child or issue shall be entitled to his share of both the real and the personal estate in the same way as if the deceased had died intestate, and all other heirs, devisees, and legatees shall refund their proportionate share.

Effect of Advancement (1403). If during the life of the testator a child for whom no provision was made in the testator's will had received an advancement equal to his proportionate share of the estate, the deceased does not become intestate for failure to provide further in his will for the child. Nothing shall be considered an advancement, however, unless so named in writing by the testator or acknowledged in writing by the child.

Administrators or Executors: *Appointment* (1417) After a will has been probated, the person (or persons) named in the will as administrator is appointed by the court. If he refuses to act or is disqualified, the court makes the appointment as in cases where there is no will.

Persons Preferable (1431) Administration of the estate of a person dying intestate shall be granted to any of the following in the order in which their names appear, provided that application is made within forty days:

- a. Surviving spouse or a person whom he or she shall request to have appointed
- b. The child, parent, brother or sister, grandchildren, nephew, niece, or creditor

If these do not make the proper application within the forty-day period, the court appoints any suitable person

Objection to Appointment (1418). Any person interested in a will may file written objections to the appointment of the particular administrator as made by the court. The latter shall hear and pass on the objections.

Persons Disqualified (1457) Corporations, nonresidents of the state unless named in the will as executors, minors, persons of unsound mind, and persons convicted of felonies or misdemeanors involving morality are not qualified to act as administrators. On the other hand, regularly organized trust companies and national banks, when authorized to do so, may act as administrators or guardians of the estate of minors upon the petition made by any person having a preference right to such appointment when so appointed by will, provided they had no part in drawing up the will.

Substitute (1420). If the executor of any estate be a minor or if he be absent from the state, letters of administration with the will annexed shall be granted to some other person to serve until the minor reaches the age of majority, or the absentee returns.

Minor Represented at Final Settlement (1534). If there be a minor interested in the estate who has no legally appointed guardian, the court shall appoint a disinterested person to represent the minor in the final settlement. The guardian may contest the will for the minor in the same way as may any other interested persons. The court shall allow the guardian a reasonable compensation for his services.

Death of Devisee before Testator (1404). If before the testator dies, any child, grandchild, or other relative who has been provided for in a will dies leaving lineal descendants, the descendants shall be entitled to the share of the estate that would have been given to the child or relative had he lived. A spouse is not a relative in this sense.

Community Property (1419). A surviving spouse shall be entitled to administer community property regardless of provisions in the will to the contrary, provided the court finds the spouse qualified and provided also that the spouse makes application for the appointment within forty days following the death of the deceased. If within that period any other person makes an application to administer the estate, the court shall have the spouse notified of this application.

Family Support: For Spouse and Minors (1473). Amount: If no homestead has been claimed, the court on the receipt of a petition and on a hearing, and after being satisfied that all expenses are paid shall set aside for the surviving spouse community or separate property not to exceed three thousand dollars (\$3,000) exclusive of liens but inclusive of the home and household goods, if there are any. This award shall be the property of the surviving spouse and shall be exempt from further administration. A notice of the hearing shall be posted ten days prior to the date set for the hearing.

Guardian ad Litem: If there is a minor child, however, the court shall appoint a guardian ad litem to represent the child's interests at the hearing.

For Minors (1475). If there be no surviving spouse, the court shall set aside from the estate such property as it considers necessary for

the support of any minor child until he becomes of age, the award not to exceed three thousand dollars (\$3,000).

Additional Allowance (1476). In addition to the above allowance for support, the court may make as much further reasonable allowance of cash out of the estate as is necessary for the maintenance of the family (according to their circumstances) during the progress of the settlement of the estate. This allowance shall be paid by the administrator in preference to any other debt except expenses for funeral, last sickness, and the administration.

Deficiency Provided (1506). If the amount set aside through the provision of the will or by appropriation by the court is not sufficient for the payment of debts, expenses of the administration, and the family support, the deficiency shall be appropriated from any remaining part of the estate that is not disposed of by the will.

Estate Liable for Support (1507). The estate (real and personal) disposed of by will to any legatees or devisees shall, at the discretion of the court, be held liable for payment of debts, expenses of administration, and family allowances in proportion to the amount of the several devises and legacies, provided there shall not be other sufficient estate. The court may exempt specific devises or legacies, however, if it be necessary to do so in order to carry out the intention of the testator.

Prior Claim of Allowance (1205). Wages of an employee for services rendered within the sixty-day period preceding the death of the employer, not exceeding one hundred dollars (\$100), rank in priority next after expenses for the last sickness, administration, funeral, and the allowance to the widow and minor children. These wages must be paid before any other claims against the deceased's estate are paid.

Child Born out of Wedlock: Property Intestate See CHILDREN OF UNMARRIED PARENTS (Topic 4).

Property Rights. See CHILDREN OF UNMARRIED PARENTS (Topic 4).

Descent of Property under Probate Law

Note: For the powers and duties of the guardian of a minor child in respect to property see GUARDIANSHIP OF MINORS UNDER PROBATE LAW (Topic 15).

For the descent of the property of a child of unmarried parents, and for his descent rights in other property, see "Children's Property

Rights" under CHILDREN OF UNMARRIED PARENTS (Topic 4).

For the descent of the property of an adopted child and for his rights in other property, see ADOPTION (Topic 2).

Degree of Kindred Computed (1347). In the descent of property, the degree of kindred shall be computed according to civil law. The kindred of the half-blood shall inherit equally with those of the whole blood of the same degree.

Descent of Real Property That Has Not Been Devised by Owner (1341) Property that was not devised by the owner shall on his death descend subject to debts as follows:

First. If one parent dies leaving surviving spouse and one child, the property is divided in equal shares between the spouse and the child or lawful issue of such child.

If more than one child survives, one third of the property goes to the spouse and the remainder is divided between the children in equal shares or to the lawful issue of any deceased children. If no child of the decedent is alive at his death, this remainder is divided among his lineal descendants according to their relationship to the decedent.

Second: If no spouse survives, the estate is divided in equal shares among the surviving children and the lawful issue of any deceased child by right of representation [that is, the portion that would have gone to the deceased child is divided equally among his issue].

Third. If the decedent leaves no issue, the estate is divided in two equal shares between the surviving spouse and the decedent's parents if both survive; if only one parent survives, the parents' half is given to that one. If both of the decedent's parents are deceased, their half goes to the brothers and sisters of the decedent and to the children of any deceased brothers and sisters. If there are no brothers or sisters of the decedent, the parents' one-half goes to the children of any deceased brothers or sisters. If the decedent leaves no issue or spouse, the estate goes to his parents or their survivors.

Fourth: If there be no issue nor any surviving spouse nor parents, the estate is divided in equal shares among the decedent's brothers and sisters and the children of any deceased brothers or sisters by right of representation.

Fifth: If the spouse survives but no issue or parents, brothers, sisters, nephews, or nieces are living, the whole estate goes to the surviving spouse.

Sixth: If no spouse, issue, parents, brother, sister, or their issue survive, then the estate goes to the next of kin in equal shares according to the degree of their relationship to the deceased

Seventh: If the deceased leaves several children and one dies before coming of age and unmarried, all the estate that comes to this child by inheritance from the deceased descends in equal shares to the other children of the deceased and to the issue of any other deceased children by right of representation. If all children are dead, it goes to their issue equally by right of representation [that is, the portion that would have gone to each child with issue is divided equally among his issue]

"Issue," "child," and "children" include lawfully adopted children.

Heir's Rights (1366). Upon the probating of the will of anyone invested with or having interest in the possession of land, tenements, or inherited property, his heirs shall be vested with the same subject to his debts, family allowances, expenses of administration and any other legal charges, without the necessity of any administration of estate. The title of ownership of real estate and the earnings thereof shall be valid for the heirs as against any adverse claim except those made by the executor or administrator and persons lawfully claiming under the executor and administrator. Suit may be brought by the heirs for their just shares except against the administrator or executor.

Liability of Real Estate for Debts (1368) No real estate of a deceased person is liable for his debts except for mortgages, unless letters of administration be granted within six years from the date of his death

Descent of Community Property: Distribution (1342) If a husband or a wife dies, one-half of the community property goes to the remaining spouse subject to community debts, and one-half is subject to testamentary disposition of the deceased subject also to community debts. If no testamentary disposition was made, this half descends equally to their children or to the issue of their children. If there be no children living or their issue, the community property shall all pass to the surviving spouse¹⁸ to the exclusion of collateral heirs but subject to community debts, family allowance, and expense of administration.

¹⁸ In the code this appears as "survivors" instead of "surviving spouse." However, the latter agrees with the original law of 1875, Section 2, p. 55. The mistake happened in copying from the original law when the Code of 1881 was written.

Community Interests (1370). This act applies to community real property and to separate estate. Upon the death of either a husband or a wife, the title of all community property shall be vested immediately in the person or persons to whom it shall pass and subject only to claims for charges mentioned above in Section 1342.

Distribution of Separate Personal Estate (1364). When one dies without having disposed of his separate property by will, it shall be distributed as follows:

First: A widow is allowed all articles of her apparel according to degree and estate of husband, and all necessities for her use and that of her family under her care. This allowance pertains whether such provision is in her husband's will or whether he died intestate.

Second: After the allowance for the widow has been taken out, the remainder shall be applied for the payment of the decedent's debts, expenses for his funeral, and the settling of the estate.

Third: The residue, if any, shall be divided on the same basis as the real estate (1341) except that:

- a. If there be a spouse and issue, the spouse shall be entitled to one-half the residue.
- b. If there be no issue, the spouse shall be entitled to all the residue.
- c. If there be no spouse, issue, or kindred, the residue shall escheat to the state for the common schools of the county of the decedent's residence at the time of his death.

Advancements: Definition (1351). Advancements consist of gifts and grants designated in writing as advancements by the intestate or acknowledged in writing as such by the heir receiving them.

Effect on Widow's Share (1365). If an advancement has been made to any relative and the intestate leaves a widow and issue, this advancement is not considered in computing the one-half assigned to the widow, but it shall be one-half of the residue after the advancement is deducted.

Part of Child's Share of Property (1348). Any estate (real or personal) advanced by the intestate during his lifetime as an advancement to any child or other descendant shall be considered a part of the intestate's estate and shall be credited by the child or descendant toward his share of the estate.

Effect on Amount Child Receives (1349). If the amount of the advancement exceeds the share of the heir, he shall be excluded from any further portion of the estate, but he shall not be required to refund the excess. If it does not equal his share, he shall be entitled to the difference.

Adjustment (1350). If the advancement was in real or personal estate and if it exceeds the heir's share of that class of property, he shall not refund it but shall receive enough less of the other part of the property to make his whole share equal to that of the other heirs of equal degree.

Evaluation (1352). In the division of the estate, advancements are evaluated at the value stated in the conveyance by the intestate or in the acknowledgement by the recipient. If the value has not been thus stated, the advancements shall be computed on the basis of their worth when given.

Child's Death before Intestate's (1353). If, before the death of an intestate, any child or lineal descendant who is a recipient of an advancement dies leaving issue, the value of the advancement shall be taken into consideration and credited to the issue in the division of the estate as so much received from the estate.

Escheats: Absence of Heirs (1356) (1356-3) (1362). If a person dies intestate leaving no heirs, his property escheats to the permanent common-school fund of the state subject to existing liens, debts, and expenses of administration. The property then is managed and disposed of in the same manner as is provided for the common-school fund.

Administration of Estate (1357). Estates that escheat to the state are administered in the same manner as other estates. If at the end of eighteen months after issuance of letters of administration, no heirs have appeared and established claims, the court in charge shall render a decree escheating the property to the state.

Sale of Personal Property (1358). After an estate has been escheated, the administrator acting under the supervision of the court shall sell all personal property. The proceeds thereof shall be used for the payment of debts and expenses and must be expended for that purpose before any debts may be charged against the real property.

Supervision by State Tax Commission (1359). The State Board of Tax Commission has supervision of all escheats, and on the receipt of information of prospective escheat property, it shall ask the court for the appointment of an administrator.

No sales of any property or any settlement of any final account except of perishable goods shall be made until fifteen days have elapsed after the Board has been notified of the prospective sale. The Board shall be entitled to all information about the estate from the administrator, who shall be removed if he refuses to give the information.

Administrator's Settlement (1360). Before the administrator may be discharged, he shall pay to the State Treasurer all money in his hands and shall give a description to be filed with the Board and one with the Commissioner of Public Lands.

Record of Proceedings (1361). The Board shall keep a record of all proceedings in relation to escheated property and the moneys thereof.

Posthumous Child's Rights (1355). Posthumous children are considered living at the death of their parent. Inheritance by right of representation takes place if the descendants of any deceased heir take the same right to any property settlement that the parent would have taken if living.

Inheritance from Stepparent (1356-1). If a person dies leaving a spouse and the issue by a former spouse and leaving a will giving all or substantially all of the deceased's property to the surviving spouse, or if before death he conveyed his property to the surviving spouse, at the death of the latter without heirs and without having disposed of the property by will, the property goes to the issue of the former spouse.

Inmates' Property: No Heirs (1363-1) If an inmate of a state institution dies without heirs but leaves property or money in the custody of the head of the institution, the latter shall report at once this property to the Director of Finance, Budget and Business, and the money shall be paid into the State Treasury for the general state fund.

Disposition of Property (1363-2) If no heir appears within two years after the death of an inmate, the inmate's property shall then be appraised and sold at public auction to the highest bidder by the Director of Finance, Budget and Business, and the net proceeds therefrom shall be paid into the general state fund.

Deceased's Wages to Family (1464-2 Supp.). If, at the time of the death of any person, his employer owes him wages and no administrator for the deceased's estate has been appointed, the employer shall upon the request of the surviving spouse pay her the wages to an amount not to exceed three hundred dollars (\$300). If there is no surviving spouse, the payment shall be made to the children, and if no children survive, then to the father or mother of the deceased. The employer shall secure sworn proof of the relationships and take a receipt for the payment made. The payment shall be considered complete discharge of and freedom from the

liability of his indebtedness to the deceased to the extent of the payments made.

Miscellaneous Provisions

Age of Majority (10548) (10549). Both sexes reach the age of consent and majority for all purposes at twenty-one years. A female under that age, however, reaches majority if she becomes married to an adult male.

Note: See also GUARDIANSHIP OF MINORS UNDER PROBATE LAW (Topic 15).

Assignment by Infant (3413). The endorsement or assignment of an instrument by an infant is legal in conveying any property therein mentioned regardless of the fact that from want of capacity the infant may incur no liability thereon.

Earnings of Minors (6896). The earnings and accumulations of a wife and of her minor children who are living with her, or are in her custody, become her separate property if she is living separate from her husband.

Land Ownership by Alien (10582b). If a minor child of an alien holds title to land, it is assumed that he holds it in trust for his alien parent.

False Pretense to Heirship (2374) Falsely pretending that an infant was born of a parent whose child is or would be entitled to inherit real property or to receive any personal property, or falsely representing oneself or another as an administrator or as one entitled to a share in the estate of a deceased person, is punished by imprisonment in the penitentiary for not more than ten years.

26. PUBLIC LIBRARIES AND MUSEUMS

State Policy (8226-1 Supp.). The policy of the state shall be to promote the establishment and development of public library services throughout its various subdivisions as a part of its provisions for public education.

Definition of Terms (8226-2 Supp.). Unless the context requires a different meaning, the following definitions describe the terms used:

- a. A "governmental unit" is any county, town, or school district except a Union High School District.
- b. The "legislative body" is the body authorized to determine the amount of taxes to be levied in a governmental unit.

c. A "library" is a free public library supported in whole or in part with money derived from taxation.

d. A "regional library" is a library maintained by two or more counties.

Establishment (8226-3 Supp.). Any governmental unit may establish a library either by itself or in cooperation with one or more other governmental units. The area to be served, however, shall not include territory within the limits of any other governmental unit that maintains a library unless the latter decides to participate in the county or regional library.

Methods of Establishment (8226-4 Supp.). A library may be established in either of the following ways:

- a. By the legislative body of any governmental unit on its own initiative.
- b. By the legislative body on the petition of one hundred taxpayers of the governmental unit who reside in an area not served by a library. The matter shall be submitted to the electors at the next regular election. A majority vote is required.

Regional Library (8226-5 Supp.). Two or more counties by action of their boards of county commissioners may unite in establishing and maintaining a regional library. A contract is drawn up for this purpose. The expenses shall be apportioned on a basis as provided in the contract, which shall also designate one of the county treasurers of the contracting counties to act as treasurer for the library. The treasurers of the other counties shall turn over to him quarterly all money collected in their respective counties for the "Free Public Library Fund."

If any county decides to withdraw, it shall be entitled to its share of the property on the basis of expenses shared.

Other Units Joining (8226-6 Supp.). If a county or regional library has been established, any governmental unit therein that is already maintaining a library may with the approval of its own library trustees join the county or regional library. Its residents shall then be entitled to share the benefits of the larger library and assume their share of the upkeep costs. It may, however, retain its own property and its board of library trustees and continue to levy taxes for library purposes; or it may by a majority vote transfer all its property over to the larger governmental unit.

Contract for Library Service (8226-7 Supp.). The legislative body of a governmental unit may contract for library services, either with an existing library (the latter to approve the contract by the consent of its own legislative body); or with a private library that

is rendering public service, provided it is subject to inspection by the state librarian and its standards certified by him. Any school district may contract with any existing library and pay for the service out of the district library fund.

Trustees (8226-8 Supp.) (8226-9 Supp.). The management and control of a public library shall be vested in a board of five trustees, selected as follows:

- a. In cities, by the mayor with the consent of the city council
- b. In counties, by the board of county commissioners.
- c. For regional libraries, by the joint action of the board of county commissioners of the different counties.
- d. In school districts, by an election of the voters as for other district officers

The term of office is for five years. Vacancies are filled in the same manner as in the original selection, except that in school districts the remaining trustees fill the vacancy until the next election. Removal of a trustee is by a vote of the legislative body except in school districts, where it is by a majority vote of the other trustees.

The trustees have full control of the management and supervision of the library.

Special Tax (8226-9a Supp.). The trustees of any school district public library may submit at a special election to the electors of the school district the proposal for a special levy for library purposes. The levy shall not exceed two mills, but it may be in addition to the other school levies.

"Free Public Library Fund" (8226-10 Supp.). All library funds shall constitute a separate fund called the "Free Public Library Fund," which shall be used exclusively for the library. In all governmental units, except school districts, the funds raised shall be used only if annually appropriated by the legislative body.

Librarian's Professional Standards (8226-11 Supp.). *State Certification Board*: The State Board for the certification of librarians shall consist of the State Librarian, the executive officer of the Department of Librarianship of the University of Washington, and one other person, appointed by the Governor for a term of three years, selected from three persons nominated by the executive committee of the Washington Library Association. Expenses, but no salaries, shall be paid them.

Librarian Examinations: The Board shall hold examinations for applicants for librarian certificates and on the basis of these examina-

tions grant the certificates. It shall also issue certificates to graduates of library schools accredited by the American Library Association. A fee of not less than one dollar (\$1) nor more than five dollars (\$5) shall be charged for each certificate.

Professional Training Required: A library serving a community having over four thousand (4,000) population shall employ, for professional library work, only properly certified librarians. A full-time professional library position is one that calls for graduation from an accredited library school or its equivalent. These provisions apply not only to communities having over four thousand population, but to every library operated by the state or under its authority, including institutions of higher learning. State and county law libraries are exempt from this requirement.

Annual Report (8226-12 Supp.). The library trustees shall make an annual report to the local legislative body and file a copy with the State Librarian.

Free Use of Library (8226-13 Supp.). Every library included under this act shall be free for the inhabitants of the governmental unit in which the library is located, subject to rules of the trustees to insure the greatest benefit to the greatest number. However, the trustees may charge a reasonable fee for the use of certain duplicate copies of popular books.

Use by Nonresidents (8226-14 Supp.). The trustees may make rules and terms for the use of books by nonresidents. It may also exchange books with other libraries.

Violators of Library Rules (8226-15 Supp.). The trustees may exclude from the use of the library any person who wilfully and persistently violates the library rules, or any person whose physical condition is dangerous or offensive to other users of the library.

Injury to Property (8226-16 Supp.). Intentional injury to property in any library, reading room, or educational institution is a misdemeanor.

Retaining Books Overtime (8226-17 Supp.). It is a misdemeanor to retain willfully a library book or other library material for thirty days after written notice (given after the expiration of the loan period) to return the same has been given.

Abolishment (8226-20 Supp.). A majority vote of the electors of a governmental unit is required for the abolishment of public libraries, except for the regional library. Books and other printed mater-

ial of abolished libraries shall be given to the county library, if there is one, and, if not, to the state library, and those from a county or regional public library to the state. Other property shall be disposed of as the legislative body shall direct.

27. SAVINGS AND BANK DEPOSITS

Building and Loan Shares: *Minors' Savings Protected* (3717-23 Supp.). Any association may issue installment shares, juvenile shares, savings shares, and fully paid certificate shares if provided for in its by-laws. Trustees, administrators, and guardians in their judiciary capacity may purchase these shares for their wards to the extent that the shares are covered by Federal Insurance

Juvenile Shares (3717-24 Supp.). Juvenile shares are issued to any minor in his own name only. These shares with their earned dividends become the sole and exclusive property of the minor and may be withdrawn by him on his receipt. Only one juvenile share shall be issued to one person, but this does not prevent the minor from purchasing either savings or installment shares. Juvenile shares shall not be chargeable with losses of the association as to principal. Dividends shall not be at a greater rate than those on the savings shares. In case of receivership or other liquidation of the association, juvenile shares shall be paid par value in full before payment is made on any other shares.

School Pupils' Savings (3717-26 Supp.). Savings and loans associations may issue debentures in trust in the name of a trustee for school pupils. Pupils' savings may be lent to the association and the relation of creditor and debtor shall exist between the association and the trustee for the pupils. The rate of interest shall not exceed five per cent per annum. Each pupil may add to, and withdraw from, his individual balance under regular loan rules.

Minor's Contracts (3717-40 Supp.). All contracts entered into between the association and a minor with regard to his membership or shares are valid and enforceable. No membership fee shall be imposed or collected from any minor.

Bank Deposits: *Minor's Check Honored* (3250). Deposits made by a minor, a person under a disability, or a married woman in a bank or trust company in his or her own name may be paid, to the amount invested, on the check or order of the depositor.

Deposits (3348). **Free from Liens:** Savings deposits made by, or in the name of a minor, together with the earned dividends, shall be held

for his exclusive right and benefit, free from all liens and control except those of his creditors. These deposits shall be paid to the person in whose name the deposit was made.

Death of Trustee: If deposits were made by any person in trust for another and no written notice or terms of a legal trust were given to the bank, the deposits and their earned dividends may be paid to the person for whom the deposits were made, in case of the death of the trustee.

Joint Savings: If deposits are made in the names of the depositor and another person, to be paid to either of them or to the survivor of them, these savings, together with their earned dividends, may be paid to either during the lifetime of both and shall become the property of the surviving one if the other dies. At any time, notice may be made in writing to the bank by either of the persons to stop payment to the other.

28. SOCIAL SECURITY FOR CHILDREN

"Federal-Aid Assistance"(10007-101a Supp.). The term "Federal-Aid Assistance" as it pertains to children includes the following three types of state and federal services: aid to dependent children, services to crippled children, and child welfare services.

Administration: General

Joint Federal-County-State Program (10007-105a Supp.). The relief of needy persons is a joint federal-state-county program. The federal government grants subsidies for the work; the State Department of Social Security acts as a single agency for receiving and expending federal funds, and supervises all the welfare work within its border; and the county, through the board of county commissioners, has the administrative authority, providing funds for administration and for general assistance.

State Social Security Committee (10007-102a Supp.). The State Social Security Committee has administrative control over all social security in Washington. It consists of the Governor, the Director of Finance, Budget and Business, and a third member, not a state official or employee, to be appointed by the Governor. No compensation is allowed for services, but the expenses of the appointed member are paid out of the funds of the Social Security Department.

Washington Welfare Survey Commission: Personnel (10007-130a Supp.). The Washington Welfare Survey Commission consists of five

electors of Washington who do not hold any compensated public office; they are appointed by the Governor for an indefinite time. They receive no compensation, but are reimbursed for their actual expenses incurred in the performance of their duties.

Function (10007-132a Supp.). The work of the Commission is to make a survey of the whole field of public assistance in the state. This shall include the matter of "need" in the various categories, the methods used in determining eligibility for public assistance, the probable future costs, the available resources, and the work of the various agencies (federal, state, and county) that deal with related problems. It reports its findings to the Governor.

History of State Department. *Note:* In the evolutionary process shown below, by which the Department and its Divisions have arrived at their present status, a number of the earlier powers have been retained and some have been transferred from other departments and offices. It is necessary to understand this evolutionary development in order to realize that powers and duties listed in the laws under other departments may now be held by the Department of Social Security. The stages were as follows:

- a. Creation of Emergency Relief Administration (9992-3 Supp.)
- b. Dissolution of Emergency Relief Administration (9992-27 Supp.)
- c. Creation of Department of Public Welfare (10760 Supp.)
- d. Dissolution of Department of Public Welfare, and its duties taken over by the new Department of Social Security (10785-12 Supp.)
- e. Creation of Department of Social Security and the position of its Director to be appointed by the Governor with the consent of the Senate. (10760-2 Supp.).

Administration: Division for Children

Part of State Department (10785-1 Supp.). The Division for Children is one of the four divisions in the Social Security Department.¹⁸

Supervisor of Division (10785-2 Supp.) (10785-3 Supp.). The Director of Social Security has general supervision and administration over all the work of the Department with power to employ the personnel. The supervision of each division is done by an assistant director who is appointed by the Director to head the

¹⁸ The other three Divisions are Old Age Assistance, the Blind, and General Assistance. Two other divisions—Employment and Unemployment Compensation—formerly were in this department but were transferred in 1939 to the newly created office of the Commissioner of Unemployment Compensation and Placement (9998-112a Supp. and 9998-112d Supp.).

division. This assistant director or supervisor has the power, with the approval of the Director, to appoint the personnel of the division.

Eligibility of Supervisor (10802-1 Supp.). The Supervisor of the Division for Children must have had training and experience in child welfare work.

Merit System (10007-103a Supp.). Selection of all the personnel of the Department is made on a "merit" system, which is administered by the State Social Security Committee. This system is so established as to comply with the minimum requirements of the federal government in regard to personnel selection.

Work of the Division: Origin of Duties (10785-9 Supp.). The Director of the Department of Social Security, through the Division for Children, took over all the powers and duties vested in the Division of Child Welfare under the former Public Welfare Department. Part of these duties were taken over by that Department from the Director of Business Control, and part were conferred by legislative enactment.

Duties Listed (10786-6 Supp.). These duties include control over all child welfare work, aid to dependent children, maternal aid, child-caring agencies, and aid to crippled and under-privileged children with the exception of certain powers vested in the Department of Health.

Cooperation with Federal Board (9992-112 Supp.). The Department of Social Security shall cooperate with the Federal Social Security Board and with the United States Children's Bureau to any reasonable extent in order to qualify for federal assistance for Aid to Dependent Children, Child Welfare Services, and Services for Crippled Children. For this purpose it shall make all reports required by the federal government. Nothing in this act, however, shall authorize any state official, agent, or representative to take charge of any child over the objection of his parents or guardian.

Rules and Regulations (9992-113 Supp.). The Director has the power to make rules and regulations governing the Division to carry out the purposes of this act.

Gifts (9992-115 Supp.). The Director may receive money by gifts or bequests and expend it according to law. The account of the receipt and expenditure shall be included in the Supervisor's annual report to the Director.

Supervisor's Report (9992-111 Supp.). The Supervisor of the Division for Children shall within ninety days after the first of each

calendar year make a detailed report to the Director. The report shall give an account of the Division's activities, its accomplishments, all money received and expended by it, and recommendations for further improvement of any of the provisions of this act.

Administration County

Administrator (10007-104a Supp.) The board of county commissioners selects from a "merit" list submitted by the State Committee the county administrator, who has full administrative power over all social security work in the county. He, in turn, selects his assistants, the executive ones being from the "merit" lists.

Advisory Committee (10007-111 Supp.) The board of county commissioners is the agent of the State Department of Social Security to determine the local causes that lead to the need for assistance and to attempt to remove these causes. To aid in this work, the board appoints an advisory committee of five or more citizens who are interested and experienced in public welfare, employment, health, and education. The committee members serve for two years and are subject to reappointment. This committee shall study local conditions and the operation of local social security work in order that it may enable itself to make recommendations relative to improvement in the general living conditions of the people and in the administration of public assistance to the end that the need for public assistance will be decreased. No compensation is given the members of the committee, but actual travel and other necessary expenses are paid.

Cooperation with State Department (10007-106a Supp.). If any county does not comply with the regulations made by the State Department to insure the receipt of federal grants, the Department has the power to take over the administration of public assistance work in the county, including the authorization and approval of expenditures.

Intercounty Employment of Administrator (10007-112a Supp.) Two or more counties may join in the employment of an administrator, provided the State Social Security Committee approves such action.

Aid to Dependent Children

Terms Defined (9992-101 Supp.) *Aid*: Aid for dependent children means aid in the form of money payments.

Dependent Child: A "dependent child" is one under sixteen who is deprived of parental support or care because of the death, continued absence from home, or physical or mental incapacity of the parent. The child must be living at his own home or at the home of a near relative.

Amount of Aid (9992-103 Supp.). The amount of the aid is determined on the basis of need and in view of the particular facts and circumstances. It shall, however, be sufficient that, when added to the family income, it will insure reasonable subsistence compatible with decency and health.

Eligibility for Aid (9992-104 Supp.). It must be established to the satisfaction of the Department of Social Security that the parent has been a resident of the state one year, or that the child has resided in the state one year immediately preceding the application or was born in the state within one year immediately preceding the application if the mother had resided in the state one year immediately preceding his birth.

Application for Aid (9992-109 Supp.). Application for aid shall be filed with the local county administrative board, which shall investigate whether the information given in the application is accurate and whether there are other relevant data. The Director must pass upon the application and, in doing so, has the power to subpoena witnesses and compel their attendance.

Administration of Plan (9992-102 Supp.) (9992-105 Supp.). The plan for aid to dependent children is uniform throughout the state, the administration and supervision of it being centered in the Division for Children in the Department of Social Security, which serves as a single state agency in the administration of this act. In order to insure local compliance with the terms of the federal grants, the Department, through and by means of the Division for Children, has the power to formulate the details of the plan and to make and enforce all rules that are required to put the plan into execution. All rules and details shall meet with federal approval.

Appeals (9992-108 Supp.). Applicants dissatisfied with the Department's decision may appeal to the board of county commissioners in the county of their residence. If dissatisfied with the board's decision, they may appeal further to the Director, who shall grant them a hearing.

Aid Protected (9992-110 Supp.). All aid is inalienable by any assignment or transfer and is exempt from state levy or execution.

Services for Crippled Children

Program Defined (9992-107 Supp.). The program for services to crippled children is under the administration and supervision of the Department of Social Security, through and by means of the Division for Children in cooperation with the federal government. Not only crippled children but those suffering from conditions that may lead to crippling are included. The various phases of the program are as follows:

- a. *Locating Children*. To develop, extend, and improve the methods used in locating the children.
- b. *Services Provided*. To provide, extend, and improve medical, surgical, corrective, and other services and care, and also facilities for diagnosis, hospitalization, and aftercare.
- c. *Existing Services Extended*. To extend and improve the services in existence at the date of this act.
- d. *Supervision*. To supervise the services included in any program not directly administered by the Department.
- e. *Cooperation with Other Agencies*. To cooperate with all medical, health, nursing, and welfare groups and with any state agency charged with the administration of laws that provide for vocational rehabilitation of physically handicapped children. It shall also assist in the extension and improvement of these services.
- f. *Federal Funds*. To receive and expend all federal funds for crippled children.

Child-Welfare Services

Description of Program (9992-106 Supp.). A child-welfare program for homeless, dependent, and neglected children is conducted by the Department of Social Security, through and by means of the Division for Children in cooperation with the federal government through its various agencies. The program consists of the development, extension, and strengthening of all welfare services for these children and for any who are in danger of becoming delinquent. The Department supervises the work and receives and expends all funds for it from the federal, state, and county governments.

Child-Caring Agencies

Agency Defined (10802-6 Supp.). "Agency" or "Child Welfare Agency" is any person, firm, association, corporation, or private institution that cares for more than two neglected, dependent, or delinquent children under eighteen. This does not refer to children

related to the individual caring for them nor to any children under guardianship, nor does it include any boarding school whose main purpose is educational work. The terms "neglected," "dependent," or "delinquent" have the meaning given them by the juvenile court.

Requirements to Be Met by Agencies (10802-2 Supp.). *Supervision by Director*: All child-caring agencies are under the direct supervision of the Director, through and by means of the Division for Children.

Certificate of Corporation: Before any agency may operate in Washington, it must have its articles of incorporation examined and approved by the Director, through and by means of the Division for Children. This refers to all agencies, societies, associations, and institutions organized for rescuing and temporarily caring for delinquent and dependent children and for placing them in family homes, in special institutions, or in orphanages or homes providing for their temporary care.

Certificate of Approval: No certificate of incorporation shall be issued except on a certificate of approval issued by the Director and filed with the Secretary of State. The bases on which the certificate of approval is issued shall include satisfactory assurance on the following points:

- a. The good character and intentions of the applicants
- b. The present and prospective need of the proposed services.
- c. Evidence that there is no duplication of existing services.
- d. Provision for employment of workers who are capable and either trained or experienced
- e. Sufficient financial backing to insure effective work.
- f. Probability of permanence
- g. Evidence that the methods to be used in the care and the disposition of the children will be for their best interests as well as for the interests of society.

Supervision and Inspection: All child-caring agencies, whether incorporated or not, shall be inspected and supervised by the Director, through and by means of the Division for Children, which shall make the rules for their operation and government.

Annual Report: All child-caring agencies and persons caring for children shall report to the Director annually and at such other times as the Director requires. These reports shall be on regular forms provided by the Director.

Annual Certificate: Each agency shall also secure an annual certificate of approval from the Director.

Suspension of Certificate of Corporation: Any certificate may be suspended or revoked if the agency fails to comply with the provisions of this act, or if it fails to furnish the proper care and treatment of the children. No certificate shall be cancelled, however, without the Director giving the agency or person involved notice of the revocation together with the reasons therefor. The agency has ten days after the receipt of the notice in which to defend itself. It also has the right of appeal from the Director's decision, the appeal to be made within fifteen days to the superior court of Thurston County. Further appeal may be made by the agency and the Director to the Supreme Court of Washington.

Existing Agencies Included (10802-3 Supp.). At the time this act goes into effect [1933] all existing agencies, institutions, societies, etc., engaged in caring for children or placing them for care are required to report to the Director. From that time forward, they shall not care for any children or place them without first securing a certificate of approval from the Director.

Penalty (10802-4 Supp.). Failure of any agency to comply with this provision, or any attempt on its part to prevent the Director's representative from inspecting or investigating its work is a misdemeanor.

Records Confidential (10802-5 Supp.). All files, reports, records, etc., of child-caring agencies shall be confidential and shall be disclosed only by order of the superior court. All records and information are the property of the particular agency and are to be returned to it by the Director or other authorized person after the records have served the purpose for which they were taken out. They shall be open for inspection only to the Director, the child, his parent, his guardian, his attorney, and those persons who secure a special order from the court. All court hearings on delinquency and dependency are private, only those who have a direct interest in the case being admitted.

29. STATE HUMANE BUREAU

Personnel (10960) The State Humane Bureau consists of the Governor, the State Superintendent of Public Instruction, the Attorney General, and two members appointed by the Governor.

Organization (10964). The Governor acts as chairman. The Bureau elects a secretary, whose duties and compensation it pre-

scribes in accordance with this act. It employs other agents as needed, whose duties and compensations it shall prescribe.

Purpose (10961). It is the duty of the Bureau to promote and aid in the enforcement of laws for the prevention of cruelty to animals and of wrongs to idiots, to imbecile, insane, feeble-minded, and defective persons, and to any others who by reason of age or other causes are helpless or unable to care for themselves. To carry out the purpose of this act, it shall promote the organization of county and other local humane societies, appoint local and state agents, and promote the growth of education and public sentiment relative to enforcing humane laws.

Annual Meeting (10962). The annual meeting of the Bureau shall be held at the state capital on the second Monday in November, at which time the election of officers takes place.

Annual Report (10963) On or before the first Monday in January of each year, the Bureau shall file with the Secretary of State an annual report covering its activities during the year, those of the local organizations, and recommendations for the further protection of children, other helpless persons, and animals.

30. STATE INSTITUTIONS

Administration and Management

Establishment and Support Mandatory (Constitution, Art. XIII, Sec. I). Educational, reformatory, and penal institutions, and those for the deaf, blind, dumb, defective, insane, and any others that the public good may require shall be fostered and supported by the state, subject to regulations established by law. The regents, trustees, or commissioners shall be appointed by the Governor, by and with the advice and consent of the Senate.

Note: The state institutions are supervised and managed by the Department of Finance, Budget and Business. In 1935 this Department succeeded the Board of Business Control, which had formerly succeeded the old Board of Control. The powers ascribed to these former departments were taken over by the present department, but the names of the former boards are still in the statutes. In this work their names have been replaced by that of the Department of Finance, Budget and Business.

Division of Public Institutions (10786-10 Supp.) (10794). In its supervision and management of the state institutions, the Depart-

ment acts through its Division of Public Institutions. This management does not include any supervision over the care and treatment of the inmates in the custodial schools and hospitals, nor the paroling of prisoners, nor the supervision of education in the various institutions.¹⁷ In its management of the institutions, the Department shall comply with all the requirements of the State Board of Health in respect to health and sanitation.

Supervisor of Public Institutions (10786-14 Supp.). The Division is in charge of an assistant director appointed by the Director of the Department, whose duty it is to have immediate supervision and management of the state institutions.

Note: In this paper wherever the name "Director" appears, in connection with the state institutions, it is safe to assume that the Supervisor acts for him.

Division of Purchasing (10795). Through the Division of Purchasing, the Department buys all supplies for the state institutions, higher educational institutions, and any other departments and offices as the law provides. Only in cases of extreme and immediate emergency shall any of the individual departments, offices, or institutions make any purchases, and, when doing so, they shall immediately report them to the Supervisor of Purchasing. Payments for all purchases shall be made from funds appropriated to the particular institution in which the purchase was made.

State Dietitian (10790). The Director of Finance, Budget and Business appoints a State Dietitian from the faculty of the University of Washington or the State College of Washington. The Dietitian must be an expert in food analysis and dietetics, and shall make and furnish to the Department of Finance, Budget and Business a study of food analyses showing the relative food values in regard to the cost of different foods and shall advise the Department in respect to the quantity, comparative costs, and food values that will be proper diet for the inmates of the state institutions. The Dietitian shall receive actual necessary travel expenses while engaged in this work.

State Institutional Board of Health (10818). *Personnel.* The State Institutional Board of Health includes the State Director of

¹⁷ These are under the supervision of the State Board of Health, the State Board of Prison Terms and Paroles, and the State Department of Education, respectively.

Health, the head physicians of the Women's Industrial Home and Clinic, of the State Custodial Schools, and of each of the State Hospitals for the Insane, and one woman physician appointed by the Governor to hold office during his pleasure. The State Director of Health is the chairman of the Board.

Meetings: The Board meets at Olympia on the last Monday in June of each year and at any other times and places at the call of the chairman under rules and regulations fixed by the Board.

Visiting Institutions: The Board shall visit each state institution and advise with the superintendent in regard to the general policy of the custodial care and treatment of the inmates thereof. From time to time it shall advise in making general rules and regulations for carrying out its policies.

Making Diet Rules: It shall adopt and prescribe, with the advice and assistance of the State Dietitian, rules and regulations in respect to a healthful diet for the inmates of the institutions. In doing this, the Board shall pay special attention to the age, the physical and mental condition of the inmates, and their ability to work.

Rules and Regulations: From time to time the Board shall publish a report showing the general policy of the Board, and its rules and regulations relating to the diet and to the custodial care and treatment of inmates. Copies of this report shall be supplied to each state institution, and copies of the rules and regulations on the diet may be furnished by the Board to other institutions upon request. The superintendent of each state institution, however, shall have exclusive care and charge of the custodial treatment of the inmates under his care, and may or may not adopt the suggestions and recommendations of the Board in regard to such care and treatment.

Sterilization of Defective and Criminal Inmates

Purpose (6959). The purpose of sterilization shall be the physical, mental, and emotional welfare of the inmate, and the protection of society from the menace of procreation by such a person. It shall never be used as a punitive measure. No person shall be sterilized unless it be found necessary to improve his mental, physical, or emotional condition.

Superintendent's Quarterly Report (6957). The superintendents of all state institutions that have the care of persons held in restraint shall make quarterly reports to the Institutional Board of Health

of all feeble-minded or insane persons, epileptics, habitual criminals, moral degenerates, and sexual perverts who are potential producers of inferior and anti-social offspring who would in all probability become social menaces or wards of the state.

Investigation by Board (6958). The Institutional Board of Health, on receipt of the superintendent's report of the dangers of potential procreation by the inmates, shall make a careful investigation into the personal and family history of each inmate, including his innate traits and his mental and physical condition. It shall hear witnesses, and, if the majority of the Board is convinced that the situation warrants sterilization, it shall order the superintendent to cause the same to be performed.

Notice of Order (6960). Investigations and orders for sterilization of inmates shall be made on an individual basis, and copies of the findings shall become part of the permanent record of the Board. A copy of the order to the superintendent for the operation is served on the inmate, his guardian, nearest of kin, or custodial guardian, as the case may be.

Appeal from Order (6961). The inmate or his representative may appeal from the order of the Board by filing an informal notice on the Board within fifteen days from the date of the order. The appeal shall be tried in the superior court of the county in which the institution is located. No operation shall be performed until the time for an appeal from the decision of the Board has expired.

Appeal Procedure (6962). Within fifteen days after receiving the notice of appeal, the Board shall file with the clerk of the court a certified copy of the appeal notice and of the proceedings, findings, and the order of the Board. The trial shall be held *de novo*. The inmate, if not financially able to employ legal counsel, shall be provided with such by the court. The district attorney [error for "prosecuting attorney"] of the county where such trial is held shall represent the Board.

Entry of Court Judgment (6963). If the court or jury affirms the Board's decision, it enters judgment ordering that the Board's instructions be carried out as provided in the proceedings. If it does not affirm the decision, the Board's order becomes null and void.

Operation (6964). Upon receipt of the Board's order and after the time of appeal has elapsed, or in case of appeal, after the judgment of the court affirming the order for the operation has been

received, the superintendent shall cause the operation to take place. The operation shall be done in a safe and humane manner and with due regard for the physical condition of the inmate.

Surgeon's Liability (6965). No surgeon performing such an operation on the inmates of state institutions shall be held criminally or civilly liable for any damage except for negligence.

Criminals Included (6966). Criminals who come within the provisions of this act are those who have been convicted two or more times of a felony and have been sentenced to the penitentiary, and moral degenerates and sexual perverts who are addicted to the practice of sodomy or crimes against nature or to any other gross, bestial, and perverted sex habits and practices which are prohibited by statutes.

Both Sexes (6967). Both sexes among the inmates shall be included within the provisions of this act.

Expense (6968). The state is liable only for the expenses incurred by the Board in the necessary travel, investigation, and the appeal. These expenses are paid out of the particular institution's appropriation on vouchers signed by the recipients of the money.

When Compulsory (2287). The court has the power to order, in addition to other punishment, the sterilization of an habitual criminal or of a person convicted of rape or carnal abuse against a female under ten years. The purpose shall be for the prevention of procreation.

Inmates Protected (2288). Every inmate of a penal institution is under the protection of the law, however, and any unauthorized injury to his person shall be punished in the same manner as if he were not convicted or sentenced.

Eastern State Custodial School

Purpose and Name (4655). The State Institution for Feeble-Minded is for the care and education of defective and feeble-minded youth of Washington.

Changes in Name: First Change (4656). The name "The State Institution for Feeble-minded" is hereby changed [1917] to "The State Custodial School."

Second Change (4656 Supp.). The name "The State Custodial School" is hereby changed [1939] to "The Eastern State Custodial School."

Location (4658). This school is located near Medical Lake in Spokane County on land owned by the state and within two miles of the Eastern Hospital for the Insane.

Admission Requirements: State Residents (4659). The Eastern State Custodial School is free to all idiotic or feeble-minded residents of Washington between the ages of six and twenty-one years, provided they are free from loathsome or contagious diseases. Inmates whose condition makes them unfit to live with the others shall be segregated and placed in separate buildings or wards. Expert medical services shall be provided to all inmates.

Nonresidents (4674). Nonresident feeble-minded children may be admitted, but the cost of maintaining and educating them shall be paid by the parents or guardian, annually or quarterly in advance.

Adults (4667). Feeble-minded adults under fifty years of age who are of such inoffensive habits as to make them proper subjects for classification, education, and discipline may be admitted free under the same method of commitment as to the hospital for the insane. No one, however, shall be admitted who is a proper subject for the county farms or hospitals, or is suffering from senile dementia.

Applications: How Made (4660). All residents of Washington who are physically defective to such an extent as to prevent them from being educated in the public schools are eligible to be admitted free. Applications for admission are made by any of the following persons: parents if living together; the parent having the custody of the child if the child's parents are separated; the guardian; the superintendent or other officers of an institution having care of children; the county superintendent of schools and the board of county commissioners; or the juvenile court under order of commitment.

Through What Officials (4662). The applications for all persons under twenty-one except for those committed by the juvenile court are made through the county superintendent of schools. It is the duty of this officer to cause applications to be made by all who, to his knowledge, are not being properly cared for or educated at home. He shall keep a record of all applications and shall certify to the board of county commissioners all that are accepted by the Eastern State Custodial School.

Application Forms (4661). The Department of Finance, Budget and Business prescribes the application forms to be used for admission.

Answers to all questions therein provided shall be made under oath. The county superintendent may administer these oaths.

Reports of Defective Youth (4663). *By District Clerks:* All school district clerks, at the time of making their regular annual reports to the county superintendent of schools, shall include the names and addresses of all feeble-minded children under twenty-one residing in the local school district.

By County Superintendent: The county superintendent, in turn, shall make a report of all feeble-minded children, as reported by the district clerks, to the board of county commissioners at their regular August meeting. He shall also send a duplicate copy to the Department of Finance, Budget and Business and one to the Eastern State Custodial School.

Parental Obligations (4664). On receipt of the notification of acceptance of the application for admission from the Eastern State Custodial School, the parents or guardian shall send the defective youth to the institution. If necessary, the county superintendent shall enforce this provision.

Note: According to Section 4677, entitled "Compulsory Attendance" (Laws '09), the county superintendent may excuse the child's attendance, if he is convinced that the child is being educated properly at home. The above provision (4664, Laws '13) does not provide for this exception.

Travel Expenses (4665) The board of county commissioners shall provide from county funds the expense of travel to the Eastern State Custodial School of all defective children whose parents are unable to pay the expense.

Detention Period and Home Visits (4668) *Detention Period:* Inmates are detained until the superintendent of the Eastern State Custodial School is convinced that they are in normal condition and are safe and competent to be at large, or that they will receive proper care and education elsewhere, in which case he shall grant the discharge.

Home Visits: He may permit inmates to visit their homes at stated times on request of the parent or guardian if the visit is approved by the county superintendent.

Retained after Majority (4666). Patients who are unfit to be released may be held after the age of twenty-one on an order of the superior court.

Permissive Tuition (4669). Parents or guardians may pay for all expenses and care of their children under regulations made by the Director of the Department of Finance, Budget and Business.

Clothing Costs (4670). If not otherwise furnished, clothing shall be provided by the superintendent of the Eastern State Custodial School, and the cost charged against parents who are able to pay, or against the estate of the inmate, or, if neither a parent nor the estate is able to pay, against the state. Inability of the parent to pay for the clothing shall be stated by the board of county commissioners, the county superintendent, or other authorized officials when recommending the child for commitment. Action may be brought by the state against parents who fail to pay costs when able.

Safety and Segregation (4671). All future construction of buildings shall be as near fireproof as possible. Buildings shall be divided into two groups for each sex—an educational and industrial department, and a custodial or colony department. Additional subdivisions as will permit of the best possible classification and segregation may be provided.

Educational Training (4672). School sessions shall be maintained each year from September first to June first for those capable of being educated. All training shall be determined by the individual capacities of the inmates. Agricultural and manual training shall be emphasized, and able inmates shall be employed in practical agricultural projects for the maintenance of the institution.

Penalty for Violations (4673). Any parent, guardian, or officer who fails to comply with any of the foregoing provisions shall be guilty of a misdemeanor, and upon the complaint of any officer or citizen of the state and on conviction shall be fined not less than fifty dollars (\$50) nor more than two hundred dollars (\$200).

Western State Custodial School

Establishment (4679-2 Supp.) A public institution is hereby established to be known as the Western State Custodial School.

Location (4679-6 Supp.) This statute makes it compulsory to locate the school in western Washington on a site selected by a commission.¹⁸

Commission to Select Site (4679-21 Supp.). A commission of three members is hereby provided to select a site of not less than

¹⁸ This school is located at Buckley, Washington

four hundred acres for the school. The commission shall consist of a senator appointed by the President of the Senate, a representative appointed by the Speaker of the House, and the Director of Finance, Budget and Business.¹⁹

Purpose of School (4679-3 Supp.). The purpose of the school is for the care, training, and employment of defective and feeble-minded persons of Washington. This care shall be of such a standard as will make the inmate useful, happy, and as self-supporting as his intellectual capacity permits.

Superintendent (4679-19 Supp.). The superintendent, who is appointed by the Director of Finance, Budget and Business, must reside at the institution and be in full control of it under the supervision of the Director. The Director fixes the superintendent's salary and requires him to give a bond of five thousand dollars (\$5,000) for the faithful performance of his duties. The superintendent shall employ, with the approval of the Director, all the other officers and employees of the institution.

Admission Requirements: State Residents (4679-8 Supp.). The school is free to all defective residents of Washington between the ages of six and twenty-one years who are unable to acquire education and training in the common schools and who are free from loathsome disease.

Children who are so idiotic, epileptic, or otherwise affected as to be unfit to live with other children, however, shall be sent to the Eastern State Custodial School at Medical Lake.

Nonresidents (4679-16 Supp.). A nonresident child may be admitted if the state or territory (or legal division thereof) of the child's residence, or his parent or guardian, makes a contract with the Department to pay the cost of the child's maintenance and instruction under regulations of the Department.

Adults (4679-15 Supp.). Feeble-minded adults under fifty years of age may be admitted free, provided they have such inoffensive habits as to make them proper subjects for classification, education, and discipline in this institution. Their admission procedure is similar to that of admission to hospitals for the insane. No insane persons or those who should be in county infirmaries, hospitals, or asylums nor any cases of senile dementia shall be admitted.

¹⁹ In May, 1937, the commission selected the site.

Applications: How Made (4679-9 Supp.). The application for admission is made for the child by either parent if the parents are living together; or by the parent having the custody of the child if the parents are separated; or by the legal guardian; or by the superintendent or other officer having charge of a child-caring institution; or by the county superintendent of schools and the board of county commissioners; or by the juvenile court under an order of commitment.

Through What Officials (4679-11 Supp.). Applications for all persons under twenty-one, except those committed by the juvenile court, shall be through the county superintendent of schools. This officer shall certify to the board of county commissioners all that are accepted by the superintendent of the custodial school.

Parental Obligations (4679-12 Supp.). As soon as parents receive the notification of acceptance from the superintendent of the custodial school, it is their duty to send their child to the school.

Expenses (4679-13 Supp.). The board of county commissioners shall pay out of county funds the expenses of sending any child to the institution if it is sure that the parents are unable to pay.

Recommitment (4679-14 Supp.). When inmates who are unfit to be discharged reach the age of twenty-one, the superintendent of the institution notifies the prosecuting attorney of the county in which the institution is located. This officer brings the case before the superior court for recommitment for an indefinite term.

Clothing Costs (4679-17 Supp.). If not otherwise provided, the clothing of the inmates is furnished by the Department, and the cost is charged against the parents, guardians, or the estate. If they cannot pay, it is charged to the state. Information in regard to the financial ability of relatives and the estate of the inmate regarding the defraying of expenses shall be given by the committing officer when he recommends the inmate for admission.

Educational Training (4679-18 Supp.). A school shall be established and maintained by the Department to give instruction in such academic and vocational subjects as will best achieve the objectives of the institution.

Industrial Projects: Kinds (4679-4 Supp.). The institution may manufacture building materials, clothing, equipment, utensils, or any other articles needed by the institution or by any other public or semi-public institution in the state. It may also produce agricultural products, including dairy, poultry, and farm products of all kinds for use by the

institution and for sale or exchange under regulations prescribed by the Department.

Proceeds (4679-5 Supp.). All money received from the sale of the products shall be placed in the state treasury for the Western State Custodial School Revolving Fund.

Paroles (4679-20 Supp.) Paroles and furloughs shall be granted to the inmates by the superintendent with safeguards and under regulations adopted by the Department.

State School for Deaf and Blind

Location (4644) The State School for the Deaf and the Blind is located at Vancouver, Washington, and is supported by legislative appropriation.

Separation of Deaf and Blind (4645). The State School for the Deaf and the Blind is hereby [1913] divided into two separate schools: one for the blind, called the State School for the Blind, and one for the deaf, called the State School for the Deaf. Both are located at Vancouver. All legal provisions pertaining to the State School for the Deaf and the Blind before it was separated pertain, so far as possible, to the separate schools. The Director of Finance, Budget and Business shall appoint a superintendent for each school.

Note. These schools are strictly educational institutions, being part of the public school system of Washington.

Annual School Term (4646). The annual school term begins on the second Wednesday in September and closes on the second Wednesday of the following June

Admission: State Residents (4647). The schools shall be free to all deaf and blind residents of Washington between the ages of six and twenty-one years who are free from contagious and loathsome diseases.

Nonresidents (4648). Nonresident blind or deaf children may be admitted, provided their parents or guardians pay annually or quarterly in advance an amount equal to the cost of maintaining and educating them.

Administration (4649). The superintendent [of each school] is appointed for a term of four years subject to removal at the discretion of the Board. He shall be between thirty and seventy years of age. He must be acquainted with the management and the class instruction of the deaf or blind as the case may be, and must have had at least ten years of actual teaching experience in similar

schools. He shall appoint all subordinates, the number to be fixed by the Director, and discharge them with the consent of the Director.

Note: The addition "of each school" is made here to conform to Section 4645 above.

Reports Listing Deaf and Blind: District Clerk (4650). At the time of making his annual report to the county superintendent of schools, the district clerk shall report all deaf, mute, and blind children between the ages of six and twenty-one years living in his district.

County Superintendent (4651) The county superintendent of schools in turn shall report annually to the board of county commissioners at its August meeting all deaf, mute, and blind children reported to him by the district clerks. He shall also send a duplicate copy to the Department of Finance, Budget and Business and to the superintendent of each of the schools.

Compulsory Attendance (4652) It is the duty of parents or guardians to send any eligible deaf or blind child to the state schools each year. The county superintendent shall enforce the attendance. If he is convinced, however, that the child is receiving satisfactory education at home or in some suitable institution, he may excuse him from going to the state schools, but he shall see to it that the educational training shall continue to be given to the child.

Expense of Indigent Pupils (4653) The board of county commissioners, if convinced that the parents of indigent children cannot pay the travel expenses for their children to and from the state school, shall pay the same. During vacation periods, this board may pay the cost of keeping the children at the state school instead of paying their expenses to and from their homes.

Penalty (4654). Any parent, guardian, school superintendent, or county commissioner who fails to comply with this law shall be guilty of a misdemeanor, and upon complaint of any officer or citizen and upon conviction may be fined a sum not less than fifty dollars (\$50) nor more than two hundred dollars (\$200) at the discretion of the court.

State School for Girls

Establishment (4631). There is hereby established an institution known as the State School for Girls.

Selection of Site (4632). *Commission:* After the provision by the Legislature for the establishment of the State School for Girls, a Commission, consisting of the members of the State Board of Control and four electors appointed by the Governor (two of whom were women) to serve without compensation, was directed to select a site for the school and to have charge of the type of buildings to be erected. The site was not to be larger than 160 acres of fertile land to be situated within a radius of not less than one mile nor more than ten miles from the State Training School at Chehalis. The price of the land was not to exceed one hundred fifty dollars (\$150) an acre. On completion of the selection of the site [which is at Grand Mound] the Board of Control erected the buildings, the kind and character thereof having been determined by the Commission. The cottage plan, with not more than thirty girls to each cottage, was carried out.

Transfer of Girls (4643). On the completion of the building all the girls in the Washington State Training School or on parole were transferred to the supervision of this school.

Administration (4633). Like other state institutions, this school is under the management of the Department of Finance, Budget and Business, the Director of which appoints the superintendent with the approval of the Governor. The superintendent and all subordinate officers shall be women, provided that if any are married, the husband may with the consent of the Department live at the school and be employed at the discretion of the Department. The number of employees and subordinate officers and their salaries are fixed by the Department.

Superintendent's Duties (4634) (4635). The superintendent shall give a bond, the amount to be decided by the Department of Finance, Budget and Business, for the faithful performance of her duties and for the money and property entrusted to her. She shall have supervision and control over the grounds and buildings, over all matters of government and discipline, and over the work of all subordinate officers and employees. She shall make rules and regulations for the government of the school that will not conflict with the law nor with the regulations of the Department. All of her duties and powers are under the direction of the Department.

Commitment of Girl (4636). Any girl over ten but under eighteen years of age found to be delinquent under the juvenile delinquency law may be committed to the school by the court to remain

until she is twenty-one, unless she is paroled or discharged. The commitment order is not subject to modification or revocation.

Note: See also "Commitment Provisions" (Section 1980) under DELINQUENT AND DEPENDENT CHILDREN UNDER JUVENILE COURT, above, pp. 186-87, and "Commitment" and "Term" under "Washington State Training School," below, p. 320.

Court Record of Girl (4637). The superior court shall submit to the superintendent a record of each girl showing her age, birthplace, occupation, last residence, previous behavior, and the names and residence of her parents, guardian, or next of kin. The age of the girl is ascertained by the court, and this age shall be used in all further actions.

Parole: Plan (4638). Uniformity: The Department acting with the superintendent shall prepare and revise from time to time a uniform plan by which paroles and discharges shall be granted.

Credits: Each girl shall be credited for personal demeanor, diligence, labor, study, results accomplished; and she shall be penalized for derelictions, negligence, and offenses. Her standing is given to her each month.

Conditioned Parole (4639). Trials: Each girl is entitled to a one-year trial or parole before she is twenty, provided she does not violate her parole before the year expires. The superintendent and the resident physician shall judge whether or not the parole has been violated. Girls who escape or violate parole may be apprehended and returned by any officer or citizen on written order of the superintendent.

Trespassing: Any person going into the grounds of the school, except on lawful business, without the consent of the superintendent, or who shall entice a girl away or interfere with the management is guilty of a misdemeanor.

Health Requirements (4640). No girl shall be received at the school who is not sound mentally and physically. The court shall see that each girl is examined by a reputable physician before committing her, the doctor's certificate to be sent to the superintendent of the state school. Failure to do this is sufficient cause for her return to the court making the commitment, or to the officer or institution who has had her in charge. In such a case, the Department shall arrange for her transportation to and from the school.

Educational Training (4641). The superintendent shall with the approval of the Department employ only regularly certified teachers. Branches of study, similar to those taught in the grades of the com-

mon schools, shall be offered here, as well as those trades and occupations that are found desirable. The educational work is a part of the state educational system and is under the supervision of the State Board of Education.

Apprenticeships (4642). *Placing Girl:* The superintendent has power to place any inmate under eighteen in employment for the benefit of the institution, or for the girl's benefit, and receive part or all of her wages to hold for her benefit, less the amount needed for her maintenance.

Indentures: The superintendent may with the consent of any girl over fourteen and the approval of the Department execute indentures of apprenticeship for her. These indentures shall be canceled and the girl returned to the institution if she proves to be untrustworthy, or if her employer is unsuitable. Records of all indentures shall be kept on file at the school.

Employment System: A system of employment providing for payment of wages not to exceed the aggregate of twenty-five dollars (\$25) a year for any one girl shall be worked out

Washington State Reformatory

Note: Because the work of the Board of Prison Terms and Paroles is so closely connected with the Reformatory, it is cited throughout this section whenever it adds to the information.

Location (10280-1) The Washington State Reformatory is located at Monroe in Snohomish County.

Superintendent (10280-3). The Director of Finance, Budget and Business shall appoint the superintendent and determine his salary. The Superintendent shall give a bond of ten thousand dollars (\$10,000) for the performance of his duties.

Assistants (10280-4). The superintendent, with the advice and consent of the Director of Finance, Budget and Business, shall appoint the chaplain, physician, and other employees. The Director shall determine their salaries.

Commitment: First Offenders (2277). The court may sentence to the Washington State Reformatory, at its discretion, any male between the ages of sixteen and thirty years who has never before been convicted of any crime which under the laws of this state would be considered a felony, but who is now convicted of any felony except arson in the first degree, murder, or robbery.

Admission of Criminal Offenders (10280-5). The reformatory shall admit all persons between sixteen and thirty-five years sentenced to it on conviction of any criminal offense in any court having jurisdiction thereof and all male prisoners who may be removed from any other penal institutions as provided by law.

Note: See also "Sentences" under PARDONS AND PAROLES (Topic 22).

Individual Investigation. See PARDONS AND PAROLES (Topic 22).

Probation. See PARDONS AND PAROLES (Topic 22)

Rehabilitation of Inmates (10280-14) *Preventive Treatment:* Control over the inmates shall be so maintained as to prevent them from committing crime, best secure their support, and accomplish their reformation. On the entrance of any prisoner to the Reformatory, the Director shall enter into the register his name, age, nativity, nationality, date of admission, and such facts about his parentage and early education and social influences as may have been the cause of his behavior and as will help to indicate the treatment to be given.

Record of Behavior: In the same register shall be entered quarterly (or oftener) accounts of improvement or deterioration of character that affect the standing or situation of the inmate, and finally the circumstance of his final release and any subsequent personal history that may be learned.

Note: See also "Individual Investigation" under PARDONS AND PAROLES (Topic 22)

Parole. See PARDONS AND PAROLES (Topic 22).

Rules and Regulations (10280-8) The Director has the power to make rules and regulations governing discipline, employment, instruction, education, and removal of prisoners in the Reformatory. All discipline shall be reformatory in character

Labor of Inmates (10280-7). All inmates shall labor as required by the Director except that no contract system of prison labor shall exist.

Note: See also "Sentences by Court and Board" under PARDONS AND PAROLES (Topic 22).

Inmate's Wages (10280-9). When employed in an occupation from which the state derives an income or for which pay is allowed, a prisoner is credited with the part of his wages that the Director shall think best, but never more than twenty per cent of his earnings shall be paid to him or his family. Upon release, he shall be

given an additional twenty-five per cent of the money thus earned.

Note: See "Honor Camps" (Section 10249-21 Supp. to 10249-26 Supp.) under PARDONS AND PAROLES (Topic 22).

Honor Camps. See PARDONS AND PAROLES (Topic 22).

Transfer of Prisoners. See PARDONS AND PAROLES (Topic 22).

Washington State Training School

Establishment (10299). A reform school is hereby established to be called the Washington State Training School.

Location (4624). The reform school at Chehalis in Lewis County shall be known as the Washington State Training School.²⁰

Purpose (4625) (10300). The function of the school is for the keeping and the reformatory training of all boys between eight and eighteen who are residents of Washington and who have been committed by a court of competent jurisdiction.

Commitment (4626). The court, instead of entering judgment, may commit to this school any boy of sound mind between eight and sixteen years and any girl²¹ of sound mind between eight and eighteen years who has been convicted of any crime except murder, manslaughter, or highway robbery, or who for lack of proper paternal care is growing up in mendicancy or vagrancy, or is incorrigible, or has been expelled from the public school.

Term (2276). Whenever any boy between the ages of eight and sixteen years or any girl between the ages of eight and eighteen years shall be found guilty of any crime except murder or manslaughter, the court may, in its discretion, commit such child²¹ to the Washington State Training School to remain—a boy until he reaches the age of eighteen years, and a girl until she reaches the age of nineteen years, unless sooner paroled or legally discharged.

Note: See also "Commitment Provisions" under DELINQUENT AND DEPENDENT CHILDREN UNDER JUVENILE COURT (Topic 11), which deals with juvenile offenders under the criminal law. See also "Transfer of Girls" under "State School for Girls," above, p. 316.

Administration (4627) (4628) (4629). Like other state institutions, this school is under the management of the Department of

²⁰ Under the laws of 1890, which established this school, the name was the Washington State Reform School. In 1907 the name was changed to the Washington State Training School (Section 10299 above). This change was reaffirmed by the laws of 1909 as given in Section 4624 above.

²¹ Girls are now committed to the State School for Girls, Grand Mound, Washington.

Finance, Budget and Business. The Director employs the superintendent, who shall hold office during the pleasure of the Department and who appoints his assistants, the number to be determined by the Department.

Investigation of Complaints (10305). The Department shall investigate all complaints made against the superintendent and other employees, and if the findings warrant, it shall remove these officers. The Department shall also investigate all charges made by the superintendent against any inmate, and if the findings warrant, it shall return the inmate to the court that committed him.

Educational Training (4630) (10307). All branches that are taught in the first eight grades of the common schools shall be taught here. Special emphasis shall be placed on morality, temperance, and frugality. As far as is possible, instruction shall be given in the various trades.

31. VETERANS' CHILDREN: EDUCATIONAL AID

Persons Eligible (10737-4 Supp.). The state appropriates funds for the purpose of educating children of World War veterans who either were killed in action or died from other causes while serving in the army, navy, or marine corps, or as a result of such service. To be eligible for this aid, the child must have resided in Washington for one year previous to the receipt of the aid, must be between the ages of sixteen and twenty-two years, and must be attending or planning to attend any state educational or training institution of secondary or college grade.

The money shall be used exclusively for board, room, rent, books, supplies, and matriculation fees. The children shall be admitted free of tuition.

Administration of Aid (10737-5 Supp.). The State Board of Education determines the eligibility and need of the children applying, verifies their attendance and the accuracy of the claims submitted by the institutions attended, and approves the vouchers for the payments. The payments shall be made direct to the institutions attended.

Amount Limited (10737-6 Supp.). No more than one hundred fifty dollars (\$150) shall be expended annually for any one child.

32. VETERANS' COUNTY AID (Soldiers' and Sailors' Relief)

County Aid Fund (10742). Boards of county commissioners shall levy, in addition to other taxes, a tax of not less than one-twentieth nor more than two-fifths of one mill to raise a fund for the relief of honorably discharged soldiers, sailors, and marines who served in any of our wars, or who served in the United States army, navy, or marine corps between 1917 and the date peace was concluded. This fund shall also be for the relief of the indigent wives, widows, and minor children of such indigent or deceased veterans.

Method of Paying: *Under Local Post* (10737). Relief shall be provided for indigent veterans or their families by the county upon the recommendation of the relief committee of the veterans' post or camp and to be drawn upon by the commander or other superior officer of the post or camp. In order to be eligible for aid the veteran shall have resided in the state one year.

***Under Nearby Post* (10738).** If there is no local post, the money shall be paid on the order of the commander of the post in the nearest town upon the recommendation of the local veterans' relief committee, who must be local residents of the precinct in which aid may be furnished.

Annual Notice (10739). The post commander shall annually (in October) file with the county auditor a notice of the intention of the post to avail itself of the relief aid. He shall include in the notice the names of the relief committee, a detailed statement of the amount of relief received during the previous year, the names of those receiving relief, and a statement from the Relief Committee about each case.

Bond (10740). The commander and quartermaster or commander and adjutant may be required by the board of county commissioners to give bond, with surety, for the faithful and honest discharge of their duties.

Rentals for Post (10743) Any veterans' post or camp which has qualified to accept aid from the Indigent Soldiers' Relief Fund of any county may draw on this fund for the payment of rent for its regular meeting place. The amount drawn for rental by any one post or camp, however, shall not exceed one hundred dollars (\$100) in any one year; nor shall any amount be allowed if the meeting

place is furnished by the state or a municipality. Rent thus paid is based on claims made by the post commander and filed with the county auditor.

Home Care (10741). The county commissioners are prohibited from sending any veteran or a member of his family to any almshouse or orphan asylum without the approval of the post commander and of the veterans' relief committee. Whenever practicable, indigent veterans are to be provided for in their own homes

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